



**4:45 p.m.**

Workshop in the County Council Chambers.

**5:30 p.m.**

Call to order

Opening remarks/Pledge – Chris Sands

Review and approval of agenda.

Review and approval of the minutes of the August 7, 2014 meeting.

**5:35 p.m.**

**Regular Action Items**

- (1) **LCPD Shooting Range** – Chief Gary Jensen is requesting approval of a conditional use permit to allow a facility for law enforcement firearms training on 242.64 acres of property in the Agricultural (A10) Zone located at approximately 2111 North 2400 West, Logan.
- (2) **Discussion** – Autonomous Solutions, Inc.
- (3) **Discussion** – Title 17.07.030 – Kennels.
- (4) **Discussion** – Title 17.06 – Uses.
- (5) **Discussion** - Title 17.13 – Mineral Extraction and Excavation.

Board Member Reports

Staff reports

Adjourn





**PLANNING COMMISSION MINUTES**

**07 AUGUST 2014**

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1. <b>Rose Hill Subdivision First Amendment .....</b>	<b>2</b>
2. <b>Bunnell Subdivision.....</b>	<b>2</b>
3. <b>Mendon South Subdivision.....</b>	<b>2</b>

1 **Present:** Chris Harrild, Josh Runhaar, Jason Watterson, Lane Parker, Chris Sands, Leslie Larson,  
2 Tony Baird, Megan Izatt

3  
4 **Start Time:** 05:45:00

5  
6 **Sands** welcomed and **Watterson** gave opening remarks

7  
8 **05:47:00**

9  
10 **Agenda**

11  
12 With the changes to item #6 the agenda was adopted.

13  
14 **Minutes**

15  
16 The minutes were adopted with no noted changes.

17  
18 **05:48:000**

19  
20 **Consent Agenda**

21  
22 **#1 Rose Hill Subdivision Amended (Stephen Eliason)**

23  
24 **#2 Bunnell Subdivision (Paul Bunnell)**

25  
26 **Scott Parkinson** I'm Mr. Bunnell's immediate neighbor to the north. There have been rumors  
27 about there being an event center or reception center in the future for one of the lots and was  
28 wondering if that was what was planned.

29  
30 **Runhaar** that is not part of this process; tonight is simply for the division of the property.

31  
32 **Sands** that would also require them to come back for a conditional use permit.

33  
34 **Watterson** motioned to recommend approval of the consent agenda items to the County Council  
35 with the stated conditions and findings of fact; **Larson** seconded; **Passed 4, 0.**

36  
37 **05:51:00**

38  
39 **Regular Action Items**

40 **#3 Wild Bunch Kennel (John and Caryn Mullin)**

41  
42 **Harrild** reviewed John and Caryn Mullin's request for a conditional use permit (CUP) to allow a  
43 boarding and breeding kennel for 42 adult dogs on 1.14 acres of property in the Agricultural  
44 (A10) Zone located at approximately 5670 North Highway 23, Cache Junction. The proposed  
45 use will be located on the northern parcel. There is an existing home on the northern parcel and  
46 the noted structures are the proposed kennels. The proposed sign must be moved back onto the  
47 subject property. The location of the proposed privacy fence has not been specified. That adult

1 dog count does not include any litters of puppies (6 months of age and older). The total  
2 estimated count for the dogs including puppies would be about 100 to 120. Most of the sales of  
3 the dogs are done online and the dogs are flown out through Salt Lake airport. There are not  
4 many visitors to the site; in fact visitors are discouraged. The only employees are the residents  
5 of the property and the hours of business would be 7:00 am to 10:00 pm. Staff noted that the  
6 present layout of the buildings impacts the setbacks and that the site plan must be revised with  
7 respect to those setbacks. Access to the property is from Highway 23, a UDOT facility. UDOT  
8 approval is required. There have been three recent requests for dog kennels and/or breeding  
9 facilities one was approved, one was withdrawn, and one was denied. Staff has received  
10 numerous comments regarding this application. The related comments reflect the concern that  
11 this is a puppy mill and that the welfare of the animals is in jeopardy. However, no comment has  
12 been received at this time from adjacent landowners.

13  
14 **5:55:00**

15  
16 **Rob Smith** arrived.

17  
18 **John Mullin** Right now we have a kennel and run 42 dogs and they are in our home. Our dogs  
19 are our children and we are not a puppy mill. Puppy mills wait until their dogs are 6 months old  
20 and then breed them every time they are in heat. We don't. We don't breed our dogs until one  
21 and a half years and after six litters of puppies we fix the dog. We also don't breed our dogs  
22 every time they are in heat. We originally started the kennel to supplement our income for when  
23 I retired and I did last year. We only let our dogs out at 15 minutes at time and only 6 dogs go  
24 out. We don't leave the dogs out for long periods. We discourage people coming to visit  
25 because it is our home. We do almost all our sales through the internet and texting. Our puppies  
26 are given their first two rounds of shots, de-wormed, and inoculated against kennel cough, and  
27 are micro-chipped. We take care of our dogs. They are in our home now. Our kennels are clean  
28 and each dog is given a clean place to sleep and kept well fed and watered. There will be a  
29 privacy fence. There should not be any nuisance and there shouldn't be much noise where the  
30 dogs are only allowed out for 15 minutes. We are putting up the fences to keep them on our  
31 property. As the dogs get older and pass on we won't be increasing our kennel; it will decrease.

32  
33 **Sands** you said you have an existing kennel in Casper Wyoming?

34  
35 **Mr. Mullin** correct. We are in the county up there and we aren't required to have a permit.  
36 Animal control does do welfare checks up there and we are given no notice for those checks.  
37 We have passed every check.

38  
39 **Sands** do we do welfare checks down here?

40  
41 **Runhaar** not that I am aware of.

42  
43 **Sands** how long have you been in this business?

44  
45 **Mr. Mullin** 7 years.

46  
47 **Sands** so there isn't a lot of noise because it is an insulated building?

1  
2 **Mr. Mullin** correct. It will be fully insulated and it will have a washable floor. There are walls  
3 separating the kennels. We use soap and water and will use a shop vacuum to clean up all the  
4 water. No waste from the dogs will go in the septic or the ground. We will take it to the landfill  
5 and dispose of it properly.  
6  
7 **Sands** did you understand the part of Chris's report when he was discussing the structure  
8 placements and the setbacks and those sorts of things?  
9  
10 **Mr. Mullin** yes.  
11  
12 **Smith** but what is going on right now on the property in regards to dogs?  
13  
14 **Runhaar** nothing.  
15  
16 **Mr. Mullin** I don't have any dogs located on the property currently. We are traveling back and  
17 forth right now and until we have the building they will be in our home.  
18  
19 **Parker** as far as selling the puppies, is that done through the website?  
20  
21 **Mr. Mullin** yes, that is done through our website. We are the top hit on Google for pugs.  
22  
23 **Parker** so this is one specific type of dog that you breed?  
24  
25 **Mr. Mullin** correct, we only do pugs. We do have a 9 year old Border collie and occasionally  
26 we will breed him but not often. I'm open to discussing any concerns with the neighbors or the  
27 commission that you might have.  
28  
29 **Watterson** in your current location have there been any complaints or problems with neighbors?  
30  
31 **Mr. Mullin** no, the only time that they bark is occasionally when the dogs are out when children  
32 are riding their bikes.  
33  
34 **Watterson** how would you say your current location compares to this as far as the density of  
35 homes and the character of the area?  
36  
37 **Mr. Mullin** we are in the same type of area. We are on a little over an acre of property and we  
38 do have neighbors. I have never have had any major problems with my neighbors. We had one  
39 issue with a neighbor letting their dog run wild but we talked to them and they put a fence up and  
40 that solved the problem.  
41  
42 **Larson** are you south of the reservoir?  
43  
44 **Mr. Mullin** I am.  
45  
46 **Sands** at this time we do invited the public to speak and we would ask that you please try to keep  
47 your comments to 2 to 3 minutes.

1  
2 **Roland Bringhurst** I am the director of the Cache Humane Society. The Board of Directors of  
3 the Cache Humane Society is against breeding of any kind in the valley. There are plenty of  
4 dogs that need a home. I take a little offense that the county and commission do not care for the  
5 welfare of animals in our county. Animal control officers are already stretched to the limits and  
6 it is their responsibility to do welfare checks. Putting in any type of breeding facility is contrary  
7 to Utah's goal to be a no kill state in 5 years. This type of facility negatively impacts that goal.  
8 With this type of a facility, a red flag is raised when they discourage people from coming to their  
9 facility. What are they trying to hide? 42 dogs in a kennel is cruelty.

10  
11 **Eli Klesh** I don't know if you have been out to Cache Junction, but you can hear one dog bark  
12 all around the town. With 42 dogs coming and the trains coming in and out of there it will be  
13 loud. As far as the fence, that's a little off setting as well for such a big operation out there and  
14 I'm not okay with the breeding with animals as well. The noise factor is a concern. Things echo  
15 out there, and noise out there is amplified by the mountain face.

16  
17 **Smith** how close do you live to the facility?

18  
19 **Mr. Klesh** I don't live there currently but I did grow up there. But my grandmother does live  
20 very close to this. Also, I don't know if there is a railroad out near his operation now, but the  
21 train will set them to barking and you can hear it very clearly out there.

22  
23 **Dan White** I am the neighbor directly to the south of this. You can hear a dog barking very  
24 clearly out there. I am a former breeder and owned a kennel in the Salt Lake area. I never raised  
25 my dogs in my house, they were in kennels. We only had 6 adult dogs on our premises and we  
26 averaged about 3 to 6 puppies per litter and we would show the dogs. Whether the dogs are  
27 enclosed in kennels or the house I will hear them. I don't put anybody past having pets, we own  
28 three dogs ourselves, but if you have that many dogs in heat you will attract dogs from  
29 everywhere. My biggest concern is my property value and my property value will go down by  
30 15% because of a kennel located next to me. I can't image what 42 dogs would be like in a  
31 house but it is going to be a mess. You can sanitize all you want, but once carpets get soiled by  
32 dog waste, they are ruined. You could very well have up to 100 dogs at a time on this property  
33 with puppies so that is my concern.

34  
35 **Brittany McCrabe** I live out in Cache Junction. When the dogs go into heat there are going to  
36 be coyotes out there and it doesn't matter what type of fence you have coyotes will get through.

37  
38 **Lamar Clements** my house is about 70 feet from the property line. Mr. Mullin has agreed not to  
39 do this project on my property line. I've talked to Mr. Mullin about this. I have had no  
40 experience with a kennel like this in my life. I have always been advocate for pro-property rights  
41 as long as the use doesn't adversely affect others. Is there a mechanism that would allow this to  
42 be reviewed in a year?

43  
44 **Runhaar** in theory you could put a condition in that it can be reviewed as a nuisance standard.  
45 The difficulty would be that after approval you would have to meet a higher threshold for  
46 declaring this as a nuisance. Once you approve a CUP it is harder to revoke it and even if they

1 move out and someone new moves in the CUP is still there. You could do a review but you  
2 would be limited to add mitigation rather than going back and trying to deny a use.

3  
4 **Mr. Clements** even if he is correct and it isn't adverse but if it is, how do we correct that  
5 problem? That is my biggest concern. I don't know how you deal with that and I don't know  
6 how we deal with that. I'm sure if you pass it you could reduce the number of animals. 42 isn't  
7 set in stone, you can lower that number.

8  
9 **Diana White** we don't begrudge anyone making a retirement for themselves, but this home is in  
10 a neighborhood. It's the only neighborhood in Cache Junction. There are more isolated homes  
11 out there but this isn't. I'm concerned about our property values. I hope you guys realize how  
12 much this will affect us. I know that at the bottom of their website it states that most of the dogs  
13 are new arrivals. He hasn't had 42 dogs all that time so I don't know if he really does know how  
14 much care 42 dogs are going to take and that is a lot of dogs for a small place.

15  
16 **Lisa Shaw** I run Four Paws rescue and I have spent the last 20 years trying to get all the dogs in  
17 the valley spayed or neutered. I do have a question for the proponent, are you able to place all  
18 your puppies? Because I know in the shelter, when we have a litter of puppies we seem to have  
19 2 to 3 dogs that we hang on to and struggle to place. I do appreciate that you give two shots and  
20 microchip your dogs and I think that is commendable. But I am against breeding and always  
21 have been.

22  
23 **Mr. Mullin** as far as the humane society and the rescue place is concerned, we have an  
24 agreement signed with the owner that if they can't take care of the dog or don't want the dog  
25 anymore they send the dog back to us and we replace the dog. As far as the privacy fence, I  
26 don't want people seeing my dogs and taking them from my yard. People are more than  
27 welcome to come and see the facility and see the dogs but the fence is there to protect the dogs  
28 and our investment. As far as letting them out 3 times a day, I let them out more than that but  
29 that is our standard. I also do spend a lot of time with my dogs and I play with them and talk to  
30 them. We sell most of our dogs outside of the state. We are not in a puppy mill business. We  
31 aren't in this to have 200 dogs to sell per year. As far as dogs being around our yard when our  
32 dogs are in heat, I'm sure there is a leash law in this county. As far as the noise, we will try and  
33 work very hard to keep the noise down. Our building is going to be insulated and sheet rocked  
34 and everything. We try to control them by letting 6 to 8 at a time and that is a low enough  
35 number that we can watch. We go out with them and play with them and exercise them. We do  
36 try to keep the noise down to a minimum or none. If this approved and there are problems, we  
37 would like for our neighbors to talk to us and let us know so we can be good neighbors. I have  
38 adopted pets from the humane society in the past and have loved them and I appreciate the job  
39 they do. Anyone can come and check out our facility.

40  
41 **Sands** how did you come up with 42 adult dogs?

42  
43 **Mr. Mullin** that is how many dogs we currently have. If you were to look at our website, most  
44 of the adult dogs have passed away and we just haven't removed them. We have 50 people on  
45 our waiting list for puppies. We don't keep puppies long. We are finally to the point when we  
46 are making a profit. These dogs are our children and it is hard when they pass away.



1 **Janet Nielson** when he talks about the leash law, that doesn't always work. We live in an area  
2 where people come out and abandon dogs. I have had neighbors who have had dogs that jump  
3 the fence and get into our yard and I don't blame him but hopefully a peaceable solution can be  
4 met.

5  
6 **Staff and Commissioners** discussed the nuisance ordinance. Some commissioners expressed  
7 concern with the size of the operation and the location. In the past the commission has approved  
8 a kennel but it was up to 15 dogs and it seemed to be in a more dog friendly area compared to  
9 this location. Nuisance is somewhat of a grey area because what is a problem to one is not an  
10 issue to another and dogs tend to fall in to this area.

11  
12 **Mr. Bringhurst** when I first saw this and read through the application the first thought I had was  
13 that he is not in the right zone for this. When the humane society wanted to make a change to  
14 our CUP, we had to go through a rezone and it doesn't make sense that a humane society shelter  
15 is treated different between a boarding/breeding facility.

16  
17 **Runhaar** that is really because there are several types of boarding facilities.

18  
19 **Sands** are the dogs at the humane society inside?

20  
21 **Mr. Bringhurst** during the day they are outside, starting about 7 am. But at night they are  
22 brought in.

23  
24 **Larson** can you hear them at night?

25  
26 **Sands** in the evening, weather dependent.

27  
28 **Staff and Commissioners** discussed commercial breeders. When considering if it is a  
29 commercial breeder, the conditions of the roads and access to the facility need to be considered.

30  
31 **Ms. White** I don't know if it was mentioned or not, but coyotes are attracted to dogs in heat and  
32 this facility will bring those coyotes in and that will affect our dogs, chickens, and other animals.

33  
34 **Commission** discussed a determination and findings for denial. These include:

35 It is the determination of the Cache County Planning Commission that the request for a  
36 conditional use permit for the Wild Bunch Kennel, located in the Agricultural (A10) Zone at  
37 approximately 5670 North Highway 23 with parcel number 13-048-0046 is not in conformance  
38 with the Cache County Ordinance and should be denied. This determination is based on the  
39 following finding of fact:

- 40 1. The standards of §17.06.070 of the Cache County Ordinance, Standards and Criteria for  
41 Conditional Use, cannot be met:
  - 42 a. The proposed use is not compatible with the character of the site, adjacent properties  
43 and  
44 other existing and proposed development.
  - 45 b. The use will be detrimental to the health, safety, or general welfare of persons residing  
46 or working in the vicinity or injurious to property or improvements in the vicinity.

1 *Smith* motioned to deny the Wild Bunch Kennel CUP request based on the noted finding of fact;  
2 *Watterson* seconded; **Passed 4, 0.**

3  
4 **Commissioners** expressed concern that mitigation is possible with the right building materials  
5 and with a reduced number of dogs. Some commissioners felt that more information was needed  
6 before a decision could be made. A concern was raised that while the applicant is currently  
7 doing small dogs, that doesn't mean that they couldn't change breeds and do larger dogs and at  
8 42 dogs that, could be very overwhelming.

9  
10 **07:06:00**

11  
12 **Staff** recommended that item #6 be moved up the agenda before items 4 and 5.

13  
14 **#6 Discussion – Autonomous Solutions, Inc.**

15  
16 **Runhaar** this is a discussion item but staff has started some enforcement issues. Rather than  
17 staff trying to make a decision on how to proceed we brought it back to the Planning  
18 Commission. You do have the authority to oversee CUP's that are in violation or not in line with  
19 what the Planning Commission has adopted. There has been expansion beyond what the  
20 Commission approved.

21  
22 **Harrild** reviewed the issues that led the review of Autonomous Solutions, Inc.'s conditional use  
23 permit (CUP). The violations relate to the expansion of the permitted use. The original CUP  
24 was for a 160'X160' building, a 52 space parking area, no more than 45 employees (38.5 FTE),  
25 operating hours: 8:00 am-6:00 pm, Monday-Friday, ingress and egress routing from the north,  
26 via Highway 30 and 8000 west, with snow removal and maintenance of said access route to be  
27 handled by the proponent. The permit also included the following conditions or approval: Any  
28 expansion of the approved conditional use shall require review and approval by the County  
29 Planning Commission prior to expansion, any present or future commercial buildings and  
30 parking lots shall be at least 100 feet away from the property line, no more than 20% of the land  
31 can be used for buildings, parking lots, and other development. 20 % of the then 81.46 acre  
32 parcel was equal to ~16.3 acres. Staff's main concern is with access. At the time of the CUP,  
33 Autonomous Solutions agreed to use only the north access. However, many employees are using  
34 the south access. The road from the south varies in width from 20 feet at the southeast end to 14  
35 feet at the northwest end, with narrow points (11 feet and 15 feet) in between, is roughly  
36 graveled, and runs through a large drainage area. Also staff has inquired of the state and the  
37 developer, if a state permit for storm water was in place. It was confirmed by both that a permit  
38 was not in place. A state storm water permit and a Storm Water Pollution Prevention Plan  
39 (SWPPP) for the disturbed area are required. The developer is now in the process of providing a  
40 SWPPP and obtaining the necessary state permit. Also, there is an issue with conduit placement  
41 for utilities for Autonomous Solutions. Currently the conduit has been placed in the right-of-way  
42 and in the actual roadway of 8000 West and Veibell Road without a permit. Since the approval  
43 of this CUP the Cache County Ordinance has been amended and the specific use type and  
44 definition for the previously approved use "Private Agricultural Experiment and/or Field  
45 Station" no longer exist within the current code.

1 Having been notified by Staff of the noncompliant nature of their expansion and operation,  
2 Autonomous Solutions, Inc. is seeking direction regarding the noted violations and the proposed  
3 and/or future expansion. This includes the following: 120 space concrete parking area,  
4 additional acreage for test tracks. This would increase the use area to ~25 acres or 30% of 81.46  
5 acres, and 28% of the existing 88.51 acres, no more than 150 employees (150 FTE) by 2018. At  
6 this time, a solution for the violation regarding ingress and egress has not been identified by  
7 Autonomous Solutions, Inc. However, Autonomous Solutions has approached the County on  
8 multiple occasions seeking additional maintenance and improvements to these roadways. The  
9 county has declined the requested improvements as they are not within the Capital Improvement  
10 Plan and the maintenance of the roadways were clearly the responsibility of Autonomous  
11 Solutions as was present by the applicant in the 2005 permit application process.

12  
13 **James Jenkins** This is basically a research and development operation. Autonomous has  
14 developed technology for robotic operations of agricultural equipment, and the acreage out there  
15 is used primarily to test and operate models and gain information. The company has increased its  
16 business recently. So, Mr. Chairman to answer your first question, they do have deliveries,  
17 typical business operation. We recognize all of the issues raised by staff and we would like to  
18 cooperate and make this work. There are true benefits not just to my client but the county also.  
19 We've only been dealing with this a short period of time but I am somewhat familiar with the  
20 issues and the operation out there. The county last year changed its ordinance. One of the things  
21 that we need to examine is if the CUP that was granted was grandfathered in when the ordinance  
22 was changed. One of the conditions in there, was that the company would seek approval for  
23 changes for expansion but was I think was implied in there also was that there was an element of  
24 permissiveness. I don't think that it is legal or even fair to grant a permit and allow for future  
25 permissive expansion and then pass a law and say you can't do anything anymore. So one issue  
26 that needs to be tackled is that some kind of expansion can be contemplated and a request made  
27 and in the right circumstance the request granted. We also have the zoning changes and of  
28 course probably not a very palatable approach but we could retrench and use the property in the  
29 confines of the permit. My understanding is that the storm drainage issue is primarily due to  
30 State requirements and that State permit is about to be issued and should resolve that. With  
31 regards to the conduit, we look at that as a problem with the contractor that we dealt with and the  
32 installation contractor claims he has a permit. We haven't had time to find that but will follow  
33 up on it.

34  
35 **Runhaar** just to be clear, we aren't pinning the conduit on Autonomous. That is a contractor  
36 issue.

37  
38 **Mr. Jenkins** right, we just want to express that Autonomous wants to resolve this and work with  
39 the county on a solution that would be agreeable to everyone. My understanding at this point is  
40 that much of the access to the site is county road. Apparently the use by Autonomous is the  
41 primary road use, but there are other uses on that road. I would like to see what studies have  
42 been done and what pricing has been looked at and to explore that issue. Access is and has been  
43 a problem. If the business needs to expand the number of employees then access has to be  
44 addressed and we don't question that. I like the idea that was suggested that the commission go  
45 out and look at the property and the road. I would like us to come up with ideas that will work.

46 **Sands** we are all small business owners up here and so we know what it means to run businesses  
47 and have employees and dealing with growth pains and dealing with regulations. We are excited

1 for you and only wish the best for you. However, speaking personally, I have a really hard time  
2 with people not following the permits so I liked hearing that you are willing to work with us and  
3 fix the problems. I know the biggest issue is going to be access and the county has very little  
4 funds to help with that. So when development comes into an area we expect the developer and  
5 the people coming into the area to help deal with that.  
6

7 **Mr. Jenkins** I did want to point out in discussing this with the company, we are not aware of any  
8 accidents on that road. We have had a couple of employees slide off the road during the winter  
9 but that has been weather related. It hasn't been a serious problem at this point, but it is an issue  
10 that needs to be dealt with.  
11

12 **Sands** right, but we do require developers or other entities that come into an area to help deal  
13 with the roads and improvements that are needed. I think this is a unique situation due to the  
14 extent of the improvements that are needed. It wouldn't be fair to others in the valleys that have  
15 had to meet the road requirements if we didn't try to rectify the issue.  
16

17 **Commission** discussed the roads. The roads are in poor condition and the applicant has  
18 expressed interest in trying to come up with solutions for that.  
19

20 **Mr. Jenkins** so where do we go from here? We are obviously going to be working with staff to  
21 help resolve the problems, but what is the next step? I'm not sure any of you know the next  
22 procedural step here. The only recommendation I can make here is that my client continues to  
23 meet with staff so that a more specific proposal or proposals can be made to solve these issues.  
24 But if you have some direction, whether it is tonight or later, that would be helpful.  
25

26 **Sands** I would like to see the specifics of where they are out of compliance and would like to see  
27 steps taken to rectify those issues first. I will say I know that it's got to be frustrating as property  
28 owner and business owner when you are permitted to do something and the ordinance is changed  
29 and when you want to expand or do something and you run into road blocks.  
30

31 **Larson** what troubles me is that the original application didn't fit and whoever was on the  
32 commission then tried to squeeze and fit it in. People want to use the land they own to develop  
33 their businesses and people don't want to have to go buy property in the commercial or industrial  
34 zone because that is going to cost more. But people who comply with the general plan and  
35 ordinances do that. But we are a small business owner and would have loved to put it on  
36 property we owned but couldn't. So we bought property in the commercial zone and put the  
37 business there. When it is in a place that is less compatible you are going to see trouble when  
38 you expand and I hate to say this but you might have to sell the property and buy property  
39 elsewhere where you can expand to a 200 employee business. But it's hard to see that it would  
40 be there and so, I'm in favor of people putting what they have into a business and employing  
41 people. But it's difficult when some people have the foresight to put their business where they  
42 can do that and then you have some people don't do that. But you have to treat people equally  
43 under the law.  
44

45 **Runhaar** I came in right as this was approved and my signature is actually on the permit. But at  
46 that time I argued there were several potential problems. Over time things morph and change  
47 and sometimes uses become a non-conforming use. At the time that this was approved they

1 wanted seclusion to run their equipment without prying eyes. But now the problem is that they  
2 are starting to pave areas and they are increasing the number of employees. As this continues to  
3 grow and employ more people, is it safe to have 200 engineers out in this location? It might  
4 need a second location. We can't shoe horn things into areas because of perceived holes in the  
5 ordinance and code. If we are looking at this like a commercial zone you could be looking at  
6 1,000 employees here in 20 years and maybe in 20 years that would fit. But driving this area  
7 now this is a big concern. I agree we are open to looking at multiple options but the stated  
8 permissiveness of the permit for expansion does not mean that the expansion will be  
9 automatically approved. However, a step has been missed here and we have asked them to stop  
10 improving. We need to go back and fix it. They can't comply with the old permit conditions  
11 and we are not going to ask them to fire 30 employees and undo improvements. We have asked  
12 them to stop improvements. If you go through the list of things that have been brought to staff's  
13 attention you have noncompliance with every single piece of the CUP. We brought this back  
14 because I can't in good conscience issue a new CUP with these types of problems.

15  
16 **Watterson** if Autonomous was not there, if we had a proposal for a commercial rezone would  
17 we allow that there?

18  
19 **Larson** not without road improvements.

20  
21 **Runhaar** if we did have money and fixed all those roads the question still stands, is this the right  
22 location for a commercial entity? This is the debate and question I have regarding this area.  
23 We've talked about doing a special improvement area for this area but the issue is that the  
24 surrounding property owners get a vote in that. If 25% of the surrounding land owners say no, it  
25 doesn't happen. We've done some rough numbers and to maintain the type of road  
26 improvements needed it would increase taxes by 300-400%. It is enormously expensive to  
27 maintain the roads. We currently have an agreement to blade the road annually and we can't  
28 maintain that agreement.

29  
30 **Staff and Commission** discussed visiting the site.

31  
32 **8:00:00**

33  
34 ***Watterson** motioned to extend the meeting 10 minutes; **Smith** seconded; **Passed 4, 0.***

35  
36 **Sands** have you employed somebody, like an engineer, to help you with the expansion of your  
37 site?

38  
39 **Mr. Jenkins** yes, we have a civil engineer on site that helps with that.

40  
41 **Sands** I asked just so they can also look at this and make some suggestions.

42  
43 **8:02:00**

44  
45 Items 4 and 5 were not discussed due to lack of time.

46

1 **Staff** discussed the storm water plan and that it would be run through the County Council. The  
2 second step for that is to change the ordinance to meet the requirements of storm water  
3 permitting needs. Kennels have become more of an issue for the county. Staff feels it is time to  
4 bifurcate kennels into commercial and non-commercial. The distinction between boarding and  
5 breeding also needs to be established. Staff will bring some suggestions back before the  
6 commission to help with kennels.

7

8 **08:06:00**

9

10 **Adjourned**

DRAFT

**STAFF REPORT: LCPD SHOOTING FACILITY CUP**

04 September 2014

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

**Agent:** Chief Gary Jensen

**Parcel ID#:** 12-028-0001

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Cache County Planning Commission

**PROJECT LOCATION**

*Reviewed by:* Chris Harrild - Planner II

**Project Address:**

3100 West 1800 North

West of Logan City

**Current Zoning:**

Agricultural (A10)

**Acres:** 242.64

**Surrounding Uses:**

North – Agricultural/Sewage Lagoons

South – Agricultural

East – Agricultural

West – Agricultural



**PROJECT PURPOSE, ORDINANCE, SUMMARY, AND PUBLIC COMMENT**

**Purpose:**

To review the request for a conditional use permit to allow a shooting facility for law enforcement training and qualification.

**Ordinance:**

This proposed use is best defined as “5100 Recreation Facility” under Cache County Ordinance §17.07.020 Definitions, and as per §17.09.030 Schedule of Uses by Zone, this use is permitted as a conditional use in the Agricultural (A10) Zone only if reviewed and approved in accordance with the conditional use review procedures of §17.06 Uses. These procedures are detailed under §17.06.060 Conditional Uses and §17.06.070 Standards and Criteria for Conditional Use.

**Summary:**

This proposed facility is located on Lot 2 of the Logan City West Field Minor Subdivision. The proposed firearms range will provide a facility for law enforcement training and qualification. Multiple law enforcement agencies within Cache County will conduct required firearms trainings and qualifications for personnel firing both handgun and rifles. The site is gated and the range will be used and operated by law enforcement personnel only. Operational use of this range will occur periodically throughout each month depending on agency training schedule. However, there are no specific or set days for trainings and qualifications as the activity at the facility is dependent upon the evolving law enforcement agency schedule and training needs. Day and night time training and qualifications are required by law enforcement standards. Hours of operation will typically be between 8:00 a.m. and 10:00 p.m. The facility will be operated by 10 firearm instructors.

**Access:**

- Access to the site is via County Road 3200 West and private road 1800 South. 3200 West is a 28' wide paved surface with 2' wide gravel shoulders and is adequate. 1800 South is a gravel 20' wide surface and is adequate (pavement?). Existing right-of-way on 3200 West is adequate.

**Parking:**

- A large parking area has been designated and has an approximate parking capacity of 45-50 vehicles. Future and/or additional parking may also be made available on the north side of the facility.

**Sensitive Areas:**

- Wetlands are present on the site; however, the U.S. Army Corps has indicated that the project may proceed in compliance with their stated best management practices (BMPs) for the site.

**Water & Septic:**

- An adequate, approved, domestic water right must be in place prior to recordation of the conditional use permit.
- A permit to install a septic system has been approved by the Bear River Health Department.

**Service Provision:**

- All refuse will be handled by the Logan City Environmental Department.
- Any driveways shall meet all applicable requirements of the current International Fire Code, minimum County standards, and any other applicable codes.
- Access for emergency services is adequate.

**Public Comment:**

No public comment regarding this proposal has been received by the Development Services Office.

**STAFF DETERMINATION AND FINDINGS OF FACT (3)**

It is staff's determination that the request for a conditional use permit for the LCPD Shooting Facility, located in the Agricultural (A-10) Zone at approximately 2111 North 2400 West on parcel 12-028-0001 is in conformance with the Cache County Ordinance and should be approved. This determination is based on the following findings of fact:

1. The LCPD Shooting Facility conditional use permit has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.



2. The LCPD Shooting Facility has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The LCPD Shooting Facility conditional use permit has been reviewed in conformance with §17.06.070 of the Cache County Ordinance, Standards and Criteria for Conditional Use, and conforms to said title, pursuant to the conditions of approval.

#### CONDITIONS OF APPROVAL (4)

---

The following conditions must be met for the development to conform to the County Ordinance and the requirements of county service providers.

1. Prior to recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
2. Prior to recordation, an adequate, approved, domestic water right shall be in place for the proposed use.
3. Any future updates, amendments, and/or compliance concerns regarding the best management practices (BMPs) as required by the U.S. Army Corps of Engineers shall be submitted to the Development Services Department.
4. Any further expansion or modification of the facility, site, or permit shall require the approval of the designated land use authority.

**From:** Gary Jensen <gary.jensen@loganutah.org>  
**To:** <chris.harrild@cachecounty.org>  
**Date:** 8/28/2014 3:33 PM  
**Subject:** Fwd: Best Management Practices  
**Attachments:** PCN - shooting range.pdf

----- Forwarded message -----

From: Alexandra Rasband <alexandra.rasband@loganutah.org>  
Date: Wed, Aug 6, 2014 at 4:14 PM  
Subject: Best Management Practices  
To: Gary Jensen <gary.jensen@loganutah.org>

Gary,

Best Management Practices as far as the wetland disturbance is concerned is as follows:

- 1 - Heavy equipment will avoid working in wetlands to the greatest extent possible
- 2 - Preservation of wetlands outside of the construction area and buffer
- 3 - Buffer will be regraded and reseeded with native wetland species following construction
- 4 - If during construction previously unknown remains or artifacts are discovered, construction will stop and the Corps will be notified
- 5 Construction BMPs will also be involved, but are generally provided by contractors. I have also attached the army corps permit application in case they are interested in taking a look. It pretty much details what we have applied for and what we have told the army corps that we will do. It is where I pulled the bmps from. Additionally, Issa said if they really want to know, you could have the guy from Bio-West who prepared it (Bob Thomas) there, but honestly, Chris should know the bmps or be able to get them himself since he works there.

--

\*Gary R. Jensen\*  
\*Chief of Police\*

## Letter of Intent – Conditional Use Permit

---

In describing your proposed use, address *all* items in the list below. Attach additional sheets as necessary. For conditional uses that will require phasing to accomplish development, a master plan for all phases of development is required.

**1) What is the use type (retail, wholesale, service, manufacturing, etc) and services offered?**

**Type:** Law enforcement firearms training and qualification.

**Services:**

**Provide a description of your proposed use:** The proposed firearms range will provide a facility for law enforcement training and qualification. Multiple law enforcement agencies within Cache County will conduct required firearms trainings and qualifications for personnel firing both handgun and rifles. This range is proposed as being used and operated by law enforcement personnel only. Operational use of this range will occur periodically throughout each month depending on Agency training schedule. Day and night time training and qualifications are required by law enforcement standards.

**2) How many people do you propose to employ? (Include all residents and/or non-residents of this property).** Logan City Police Department employs 10 Firearms Instructors.

**Residents:** None of these instructors will be a resident of this facility.

**Non-residents:**

**3) What are your proposed hours of operation? (Specify days of week and hours each day).**

The majority of operational hours will occur between 08:00hrs and 22:00hrs. There are no specific or set days for trainings and qualifications. This schedule is dependent upon the evolving law enforcement agency schedule and training needs.

**4) List the type and number of deliveries to and from this business. (Mail, semi-truck, UPS, etc).**

No anticipated delivery schedule.

**5) Will there be any signage on the structure or site? If yes, attach a dimensioned graphic of the proposed signage.** No signage is anticipated other than a standard "No Trespassing" sign.

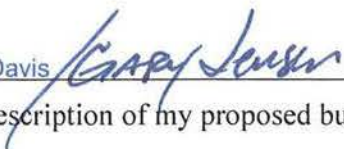
**6) Will all waste/garbage be disposed of by Logan City? If not, how will you dispose of waste/garbage from your proposed use?** Logan City Environmental Department will facilitate waste disposal.

**7) What equipment will be used for this use? (Office equipment, vehicles, machinery, etc.)**

One air compressor will be used to operate a pneumatic target system.

**8) How will you provide adequate parking for customers and /or employees?** A large parking area has been designated at the south end of the facility (Indicated on plot map).

---

I, Brooks Davis  hereby state that the above information is an accurate and complete description of my proposed business.

Signature

Date

July 8, 2013

Aug. 6 2014



STEP TRANSFORMER:  
 25 KVA  
 480V-7200V  
 (FED FROM MAIN  
 ELECTRICAL SERVICE)

ANCHOR

100 ft

180 ft

200 ft

200 ft

TRANSFORMER:  
 10 KVA, 120/240V

OVERHEAD TO  
 UNDERGROUND  
 VIA 2" RISER PIPE

ANCHOR

Parking

# POLICE SHOOTING RANGE

2111 N 2400 W (Parcel Address)



## ELETRICAL FEATURES

- ⚡ ELECTRIC METER: 100A PANEL (50A & 20A BREAKER)
- SECONDARY JUNCTION BOX (SJB): FLUSH MOUNT
- ▲ OVERHEAD TRANSFORMER
- POLE: 40' WOOD
- ◆ LIGHT: 50W INDUCTION, FED WITH 2" RISER FROM SJB

## CONDUCTOR

- OH PRIMARY, 1 PHASE: #4 ACSR
- ..... UG SECONDARY: #2 URD TRIPLEX (2" CONDUIT)
- ..... UG SECONDARY: 1/0 URD (2" CONDUIT)

**IMPACT BERM :** ENGINEERED EARTHEN BERM, 20' HEIGHT.  
 (PER NRA SOURCE GUIDE BOOK (3.04.5.1c) SUGGESTED  
 SAFETY HEIGHT)

**SIDE WALL SAFETY BARRIER :** STACKABLE PRECAST  
 CONCRETE BLOCK (2'W X 4'L) 10 FOOT HEIGHT. EXCEEDING  
 NRA EXPECTATIONS BY 20%. NRA SOURCE GUIDE BOOK  
 RECOMMENDED 8' HEIGHT (2.05.1.4).

**PARKING AREA :** APPROXIMATE PARKING CAPACITY OF  
 45 - 50 VEHICLES.

Concrete Pad  
 50 ft

300 ft

Dirt Path

Rifle  
 Range

Future  
 Shoot  
 House

Road

Berm

Steel  
 Range

Target System Pad  
 20 X 10

3

5

7

10

15

20

35

105 ft

94 ft

40 ft

211 ft

420 ft

90 ft

105 ft

15 X 30

Concrete Pad

Construction Buffer

1 inch = 50 feet





1 inch = 70 feet



3200 West

1800 North

40 ft Right of Way

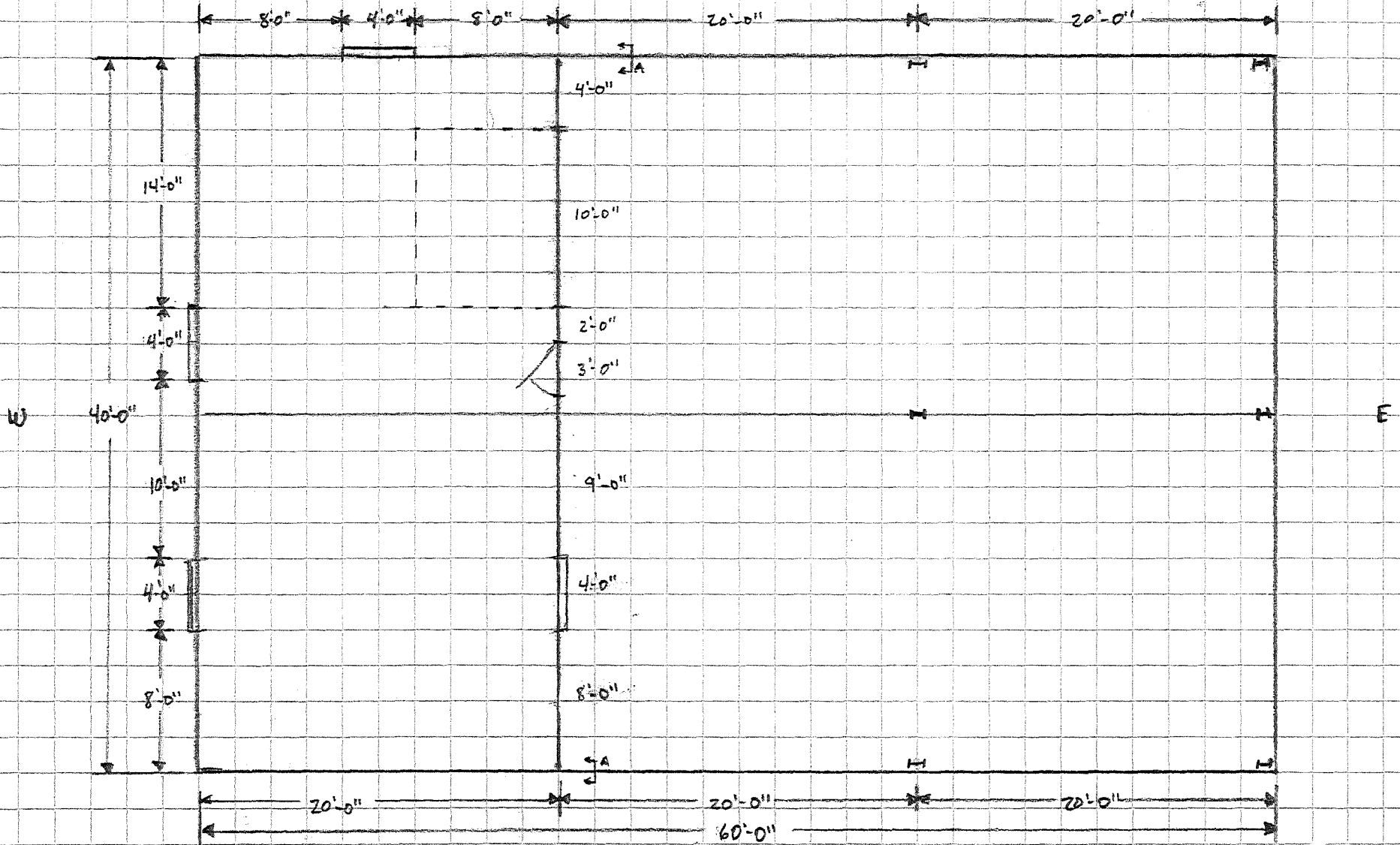


# LCPD FIREARMS RANGE

Approximately 3100 W 1800 N

1 inch = 250 feet

LOGAN'S POLICE FIREARMS RANGE

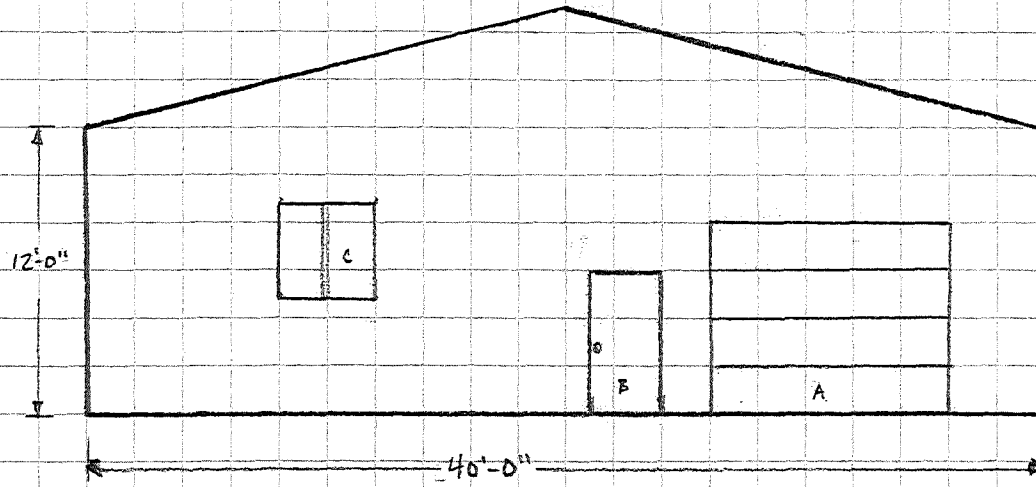


S

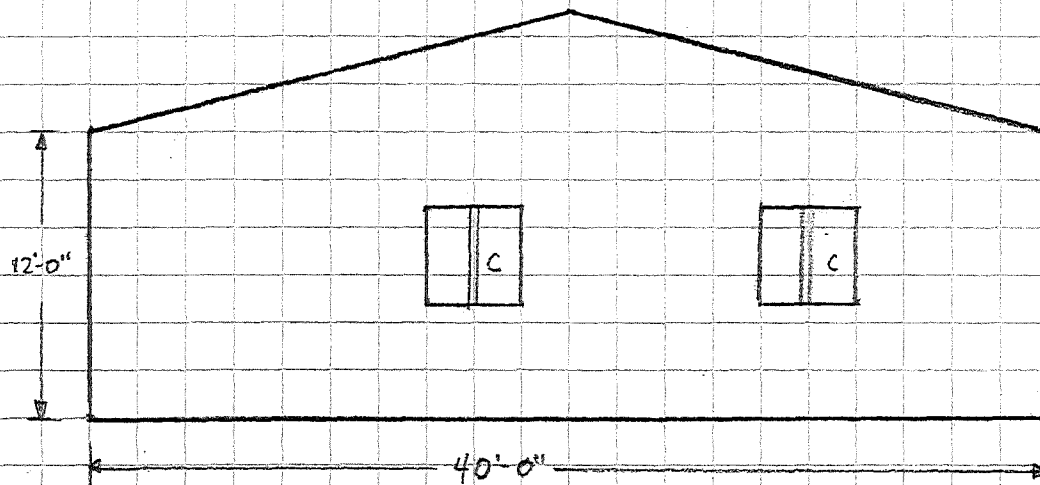
LOGAN POLICE FIREARMS RANGE

- A- 10'-0" x 8'-0" OVERHEAD DOOR
- B- 3'-0" x 6'-8" STEEL DOOR
- C- 4'-0" x 4'-0" WINDOW

3:12 ROOF PITCH



EAST ELEVATION SECTION "A"

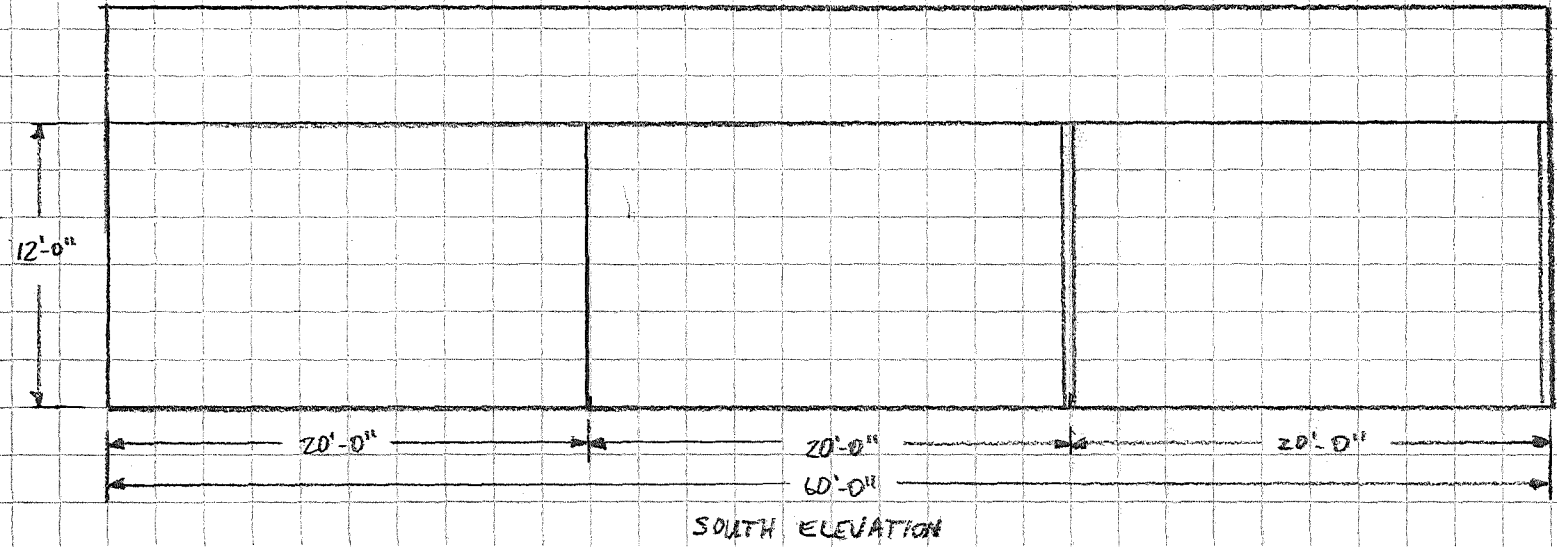
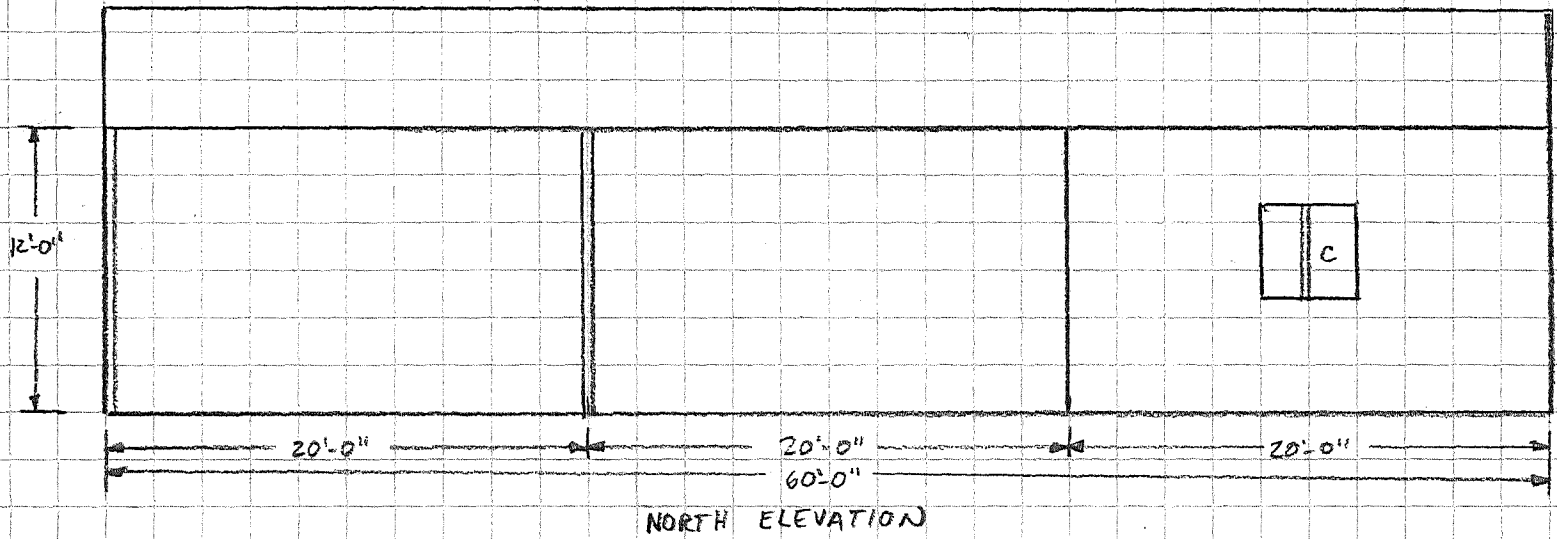


WEST ELEVATION



LOGAN POLICE FIREARMS RANGE

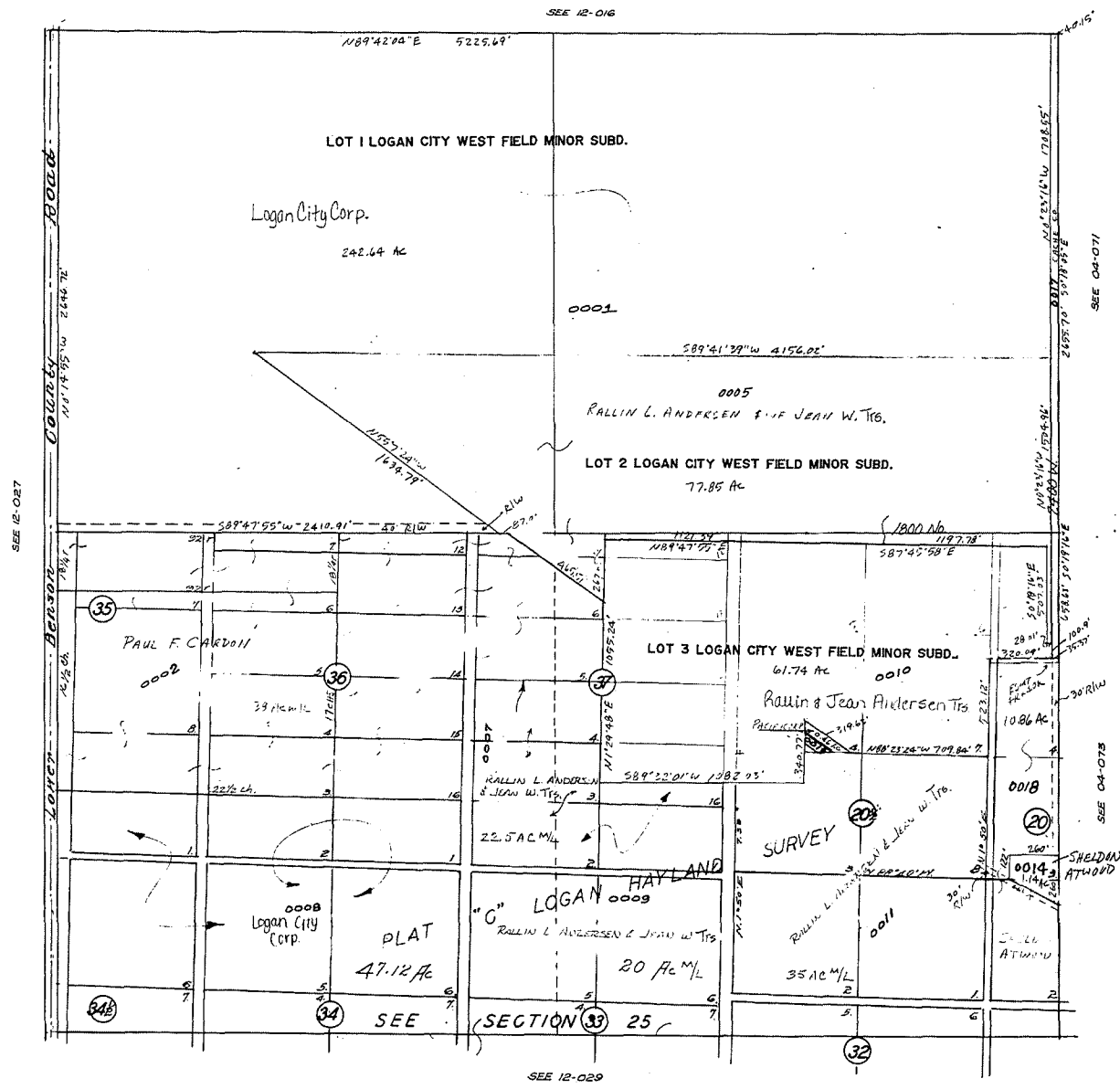
C- 4'-0" x 4'-0" WINDOW

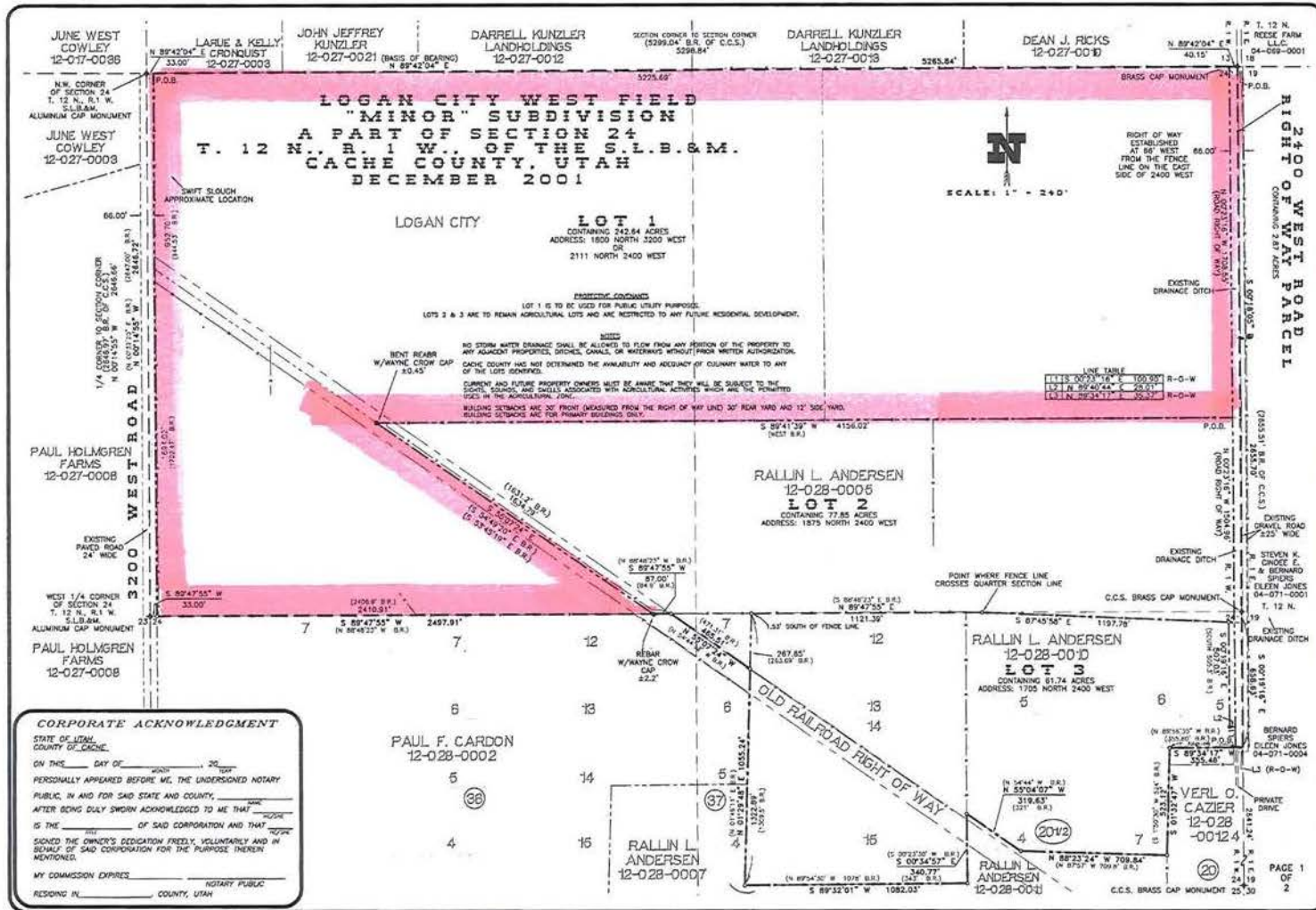


# SECTION 24, TOWNSHIP 12 NORTH, RANGE 1 WEST.

SCALE 1 INCH = 6 CHAINS.

TAX UNIT 28





**SURVEY CERTIFICATE**

I, JEFF S. HANSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 320023 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT INTO LOTS AND STREETS, HEREINAFTER TO BE KNOWN AS: LOGAN CITY WEST FIELD SUBDIVISION, AND THE SAME HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE DIMENSIONS SHOWN.

Jeff S. Hansen  
 R.L.S. No. 320023  
 Date: 12-01-01

**BOUNDARY DESCRIPTION**

OVERALL AS SURVEYED LEGAL DESCRIPTION

A PARCEL OF GROUND LOCATED IN SECTION 24, TOWNSHIP 12 NORTH, RANGE 1 WEST, OF THE SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE CACHE COUNTY SURVEYORS ALUMINUM CAP MONUMENT FOUND AT THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE NORTH 89°42'04" EAST ALONG THE NORTH LINE OF SAID SECTION AS CURRENTLY MONUMENTED 33.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 3200 WEST STREET IN CACHE COUNTY, UTAH AND IS THE TRUE POINT OF BEGINNING; AND THENCE CONTINUING EASTERLY ALONG SAID NORTH LINE OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN 5,285.84 FEET TO THE CACHE COUNTY SURVEYORS BRASS CAP MONUMENT FOUND AT THE NORTHEAST CORNER OF SAID SECTION; THENCE SOUTH 00°18'05" EAST ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2,655.70 FEET TO THE CACHE COUNTY SURVEYORS BRASS CAP MONUMENT FOUND AT THE EAST QUARTER CORNER OF SAID SECTION; THENCE SOUTH 00°19'16" EAST ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 858.63 FEET; THENCE SOUTH 89°34'17" WEST (NORTH 89°32'30" WEST BY RECORD) ALONG AN EXISTING FENCE LINE AND THE PROJECTION THEREOF 355.46 FEET (355.80 FEET BY RECORD) TO AN EXISTING FENCE CORNER; THENCE FOLLOWING AN EXISTING FENCE LINE THE FOLLOWING 5 COURSES: 1) SOUTH 01°32'47" WEST 523.12 FEET (SOUTH 01°50'30" WEST 524 FEET BY RECORD); 2) THENCE NORTH 88°23'24" WEST 708.84 FEET (NORTH 87°57' WEST 709.8 FEET BY RECORD); 3) THENCE NORTH 59°04'09" WEST 319.63 FEET (NORTH 54°44' WEST 321 FEET BY RECORD); 4) THENCE SOUTH 02°34'51" EAST 348.77 FEET (SOUTH 02°23'30" WEST 343 FEET BY RECORD); 5) THENCE SOUTH 89°32'01" WEST 1,082.03 FEET (NORTH 89°34'30" WEST 1078 FEET BY RECORD) TO AN EXISTING FENCE CORNER; THENCE NORTH 01°25'48" EAST (NORTH 01°46'11" WEST BY RECORD) ALONG AN EXISTING FENCE LINE AND THE PROJECTION THEREOF 1,055.24 FEET TO THE NORTH LINE OF THE OLD OREGON SHORT LINE RAILROAD RIGHT OF WAY; THENCE NORTH 55°07'24" WEST (NORTH 54°44'52" WEST BY RECORD) ALONG SAID NORTH RAILROAD RIGHT OF WAY LINE 485.81 FEET (471.31 FEET BY RECORD) TO THE EAST-WEST CENTER OF SECTION LINE; THENCE LEAVING SAID RAILROAD RIGHT OF WAY LINE SOUTH 89°34'51" WEST (NORTH 88°48'23" WEST BY RECORD) ALONG SAID CENTER OF SECTION LINE 2,497.01 FEET (2,491.80 FEET BY RECORD) TO A POINT ON THE AFOREMENTIONED EAST RIGHT OF WAY LINE OF 3200 WEST STREET; THENCE NORTH 00°14'55" WEST (NORTH 00°32'20" EAST BY RECORD) ALONG SAID EAST RIGHT OF WAY LINE 2,646.72 FEET (2,647.00 FEET BY RECORD) TO THE POINT OF BEGINNING, CONTAINING 18,774,879.21 SQUARE FEET OR 385.10 ACRES, MORE OR LESS AND 3 LOTS.

**OWNER'S DEDICATION**

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SURVEYED INTO LOTS TO BE HEREINAFTER KNOWN AS THE "LOGAN CITY WEST FIELD SUBDIVISION" DO HEREBY DEDICATE, GRANT AND CONVEY TO CACHE COUNTY, UTAH ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS ROAD RIGHT OF WAY, THE SAME TO BE USED AS PUBLIC THROUGHFARES FOREVER, AND ALSO DEDICATE TO CACHE COUNTY THOSE CERTAIN STRIPS AS EASEMENTS FOR PUBLIC UTILITY AND DRAINAGE PURPOSES AS SHOWN HEREON, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE AS INTENDED FOR PUBLIC USE.

IN WITNESS WE HAVE HERETO SET OUR SIGNATURES THIS 01th DAY OF JANUARY A.D. 2002.

Paul F. Cardon  
 Dougl E. Thompson  
 RALLIN L. ANDERSEN      JEAN W. ANDERSEN

**CORPORATE ACKNOWLEDGMENT**

STATE OF UTAH,  
 COUNTY OF CACHE

ON THIS 01th DAY OF JANUARY, 2002,

PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID STATE AND COUNTY,

AFTER BEING DULY SWORN AND ACKNOWLEDGED TO ME THAT \_\_\_\_\_ IS THE \_\_\_\_\_ OF SAID CORPORATION AND THAT \_\_\_\_\_ SIGNED THE OWNER'S DEDICATION FREELY, VOLUNTARILY AND IN SENSUAL OF SAID CORPORATION FOR THE PURPOSE THEREIN MENTIONED.

MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC RESIDING IN \_\_\_\_\_ COUNTY, UTAH

**COUNTY SURVEYOR'S CERTIFICATE**

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THE OFFICE OF THE COUNTY SURVEYOR.

5 FEB 2002  
 DATE

**COUNTY RECORDER'S NO. 780504**

STATE OF UTAH, COUNTY OF CACHE RECORDED  
 AND FILED AT THE REQUEST OF LOGAN CITY  
 DATE 5 FEB 2002 THE S.A.L.B.&M. FILE #  
 ABSTRACT # 2102  
 INDEX 2002-1534  
 FILED IN FILE OF PLATS

**BENSON PLANNING DISTRICT COMMISSION**

THIS PLAT HAS BEEN REVIEWED BY THE BENSON PLANNING DISTRICT COMMISSION ON THIS 11th DAY OF December, 2001. IT IS THE RECOMMENDATION OF THIS BOARD TO APPROVE THIS SUBDIVISION BASED ON FINANCIALS.

1-11-2002  
 DATE

**BEAR RIVER HEALTH DEPT. APPROVAL**

THE SUBDIVISION DESCRIBED HEREON HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT.

THIS 11th DAY OF December, 2001.

**ACKNOWLEDGMENT**

STATE OF UTAH  
 COUNTY OF CACHE

ON THIS 01th DAY OF January, 2002,

PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF \_\_\_\_\_, IN SAID STATE OF UTAH, THE SIGNERS OF THE ABOVE WRITING, DESIGNATOR, WHO DULY ACKNOWLEDGED TO ME THAT THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

**CACHE COUNTY COUNCIL**

CERTIFY THAT I HAVE EXAMINED THIS PLAT AND THAT IT IS IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE AND THE LAND USE ORDINANCE OF CACHE COUNTY, UTAH, THIS 01th DAY OF January, 2002.

**COUNTY ATTORNEY APPROVAL**

THIS 25th DAY OF January, A.D. 2002.

**JSH** JOB# 00-229

**SURVEYING & DRAFTING INC.**

2820 SOUTH 600 WEST • NIBLEY, UTAH 84321  
 (435) 753-0288 • TOLL FREE 1-888-420-0288 • FAX (435) 753-4050





**MEMORANDUM**

---

**Date:** 21 August 2014  
**From:** Cache County Development Services  
**Subject:** Autonomous Solutions, Inc (ASI) - Permit Status

This memorandum provides an update to the permit status and action taken regarding the Autonomous Solutions, Inc. Conditional Use Permit (CUP). Please refer to the attached memorandum dated 07 August 2014 to the Planning Commission for additional detail.

- Staff became aware that the CUP may be out of compliance and contacted the company and owner to confirm the compliance issues. ASI confirmed that they were out of compliance with their permit.
- A stop work order was placed that prohibits all expansion activities until the compliance issues are addressed, however, ASI is still allowed to continue to operate within the conditions of their permit.
- Staff brought the issue to the Planning Commission for comment and direction.
- The Planning Commission agreed that the CUP was out of compliance and expressed their willingness to consider a solution that complies with the County Ordinance. They encouraged the applicant to provide a solution.
- The counsel for ASI met with staff on August 20, 2014 to discuss possible solutions, and is currently meeting with his client regarding those possibilities.
- The item has been scheduled for further discussion at the September 4, 2014 Planning Commission meeting.
- No formal enforcement has been enacted with the exception of the stop order on expansion.





## CONSTRUCTION NOTES

- ① INLET STORMDRAIN PROTECTION PER DETAIL C, DRAWING D1. INSTALL AT BEGINNING OF PROJECT AS SOON AS STRUCTURE IS CONSTRUCTED.
- ② CONSTRUCT STABILIZED CONSTRUCTION ENTRANCE PER DETAIL A, DRAWING D1. INSTALL AT THE BEGINNING OF PROJECT.
- ③ CONSTRUCT/MAINTAIN STORAGE AREA PER DETAIL F, DRAWING D1.
- ④ CONSTRUCT/MAINTAIN WASHOUT AREA PER DETAIL F, DRAWING D1.
- ⑤ CONSTRUCT SILT FENCE PER DETAIL B, DRAWING D1.
- ⑥ INSTALL SEDIMENT CONTROL LOG PER DETAIL E, DRAWING D1. INSTALL AT BEGINNING OF CONSTRUCTION AND MAINTAIN UNTIL FINAL STABILIZATION.
- ⑦ SEEDING AND MULCHING – RESEED DISTURBED AREAS WITH NATIVE VEGETATION.
- ⑧ PRESERVE NATIVE VEGETATION BUFFER.

## LEGEND

---	LIMITS OF DISTURBANCE
—	PROPERTY LINE (APPROXIMATE)
— □ —	SILT FENCE
—	STORMDRAIN PIPING
→	STORM WATER FLOW
[Purple Hatched Box]	NEW PAVING AREA
[Light Purple Hatched Box]	EXISTING PAVING AREA
[Blue Dotted Box]	NEW GRAVEL PARKING AREA
[Diagonal Hatched Box]	SEDIMENT CONTROL LOG OR STRAW-BALE CHECK DAM
[Blue Wavy Hatched Box]	NATIVE VEGETATION BUFFER

## NOTES

1. THIS MAP & ASSOCIATED DETAILS ARE TO BE USED IN CONJUNCTION WITH THE STORM WATER POLLUTION PREVENTION PLAN THAT HAS BEEN PREPARED FOR THIS SPECIFIC PROJECT.
2. CONSTRUCTION WASTE WILL BE HAULED OFF-SITE AND DISPOSED OF PER STATE REGULATIONS.
3. DUST CONTROL— CONTRACTOR SHALL USE WATER AS NEEDED FOR DUST SUPPRESSION. DUST CONTROL SHALL BE IN ACCORDANCE WITH STATE AIR QUALITY REGULATIONS.
4. ALL CONSTRUCTION BMP'S ARE TO BE INSPECTED AND MAINTAINED AS OUTLINED IN THE SWPPP DOCUMENT.
5. CONTRACTOR SHALL BE REQUIRED TO KEEP A RECORD OF ALL INSPECTIONS AND MAINTENANCE ON SITE WITH THE STORM WATER POLLUTION PREVENTION PLAN.
6. TEMPORARY EROSION PROTECTION— ANY EXPOSED SLOPES WHERE FURTHER WORK IS NOT EXPECTED FOR 28 DAYS SHALL BE MULCHED OR TEMPORARY SEEDED.

AUTON

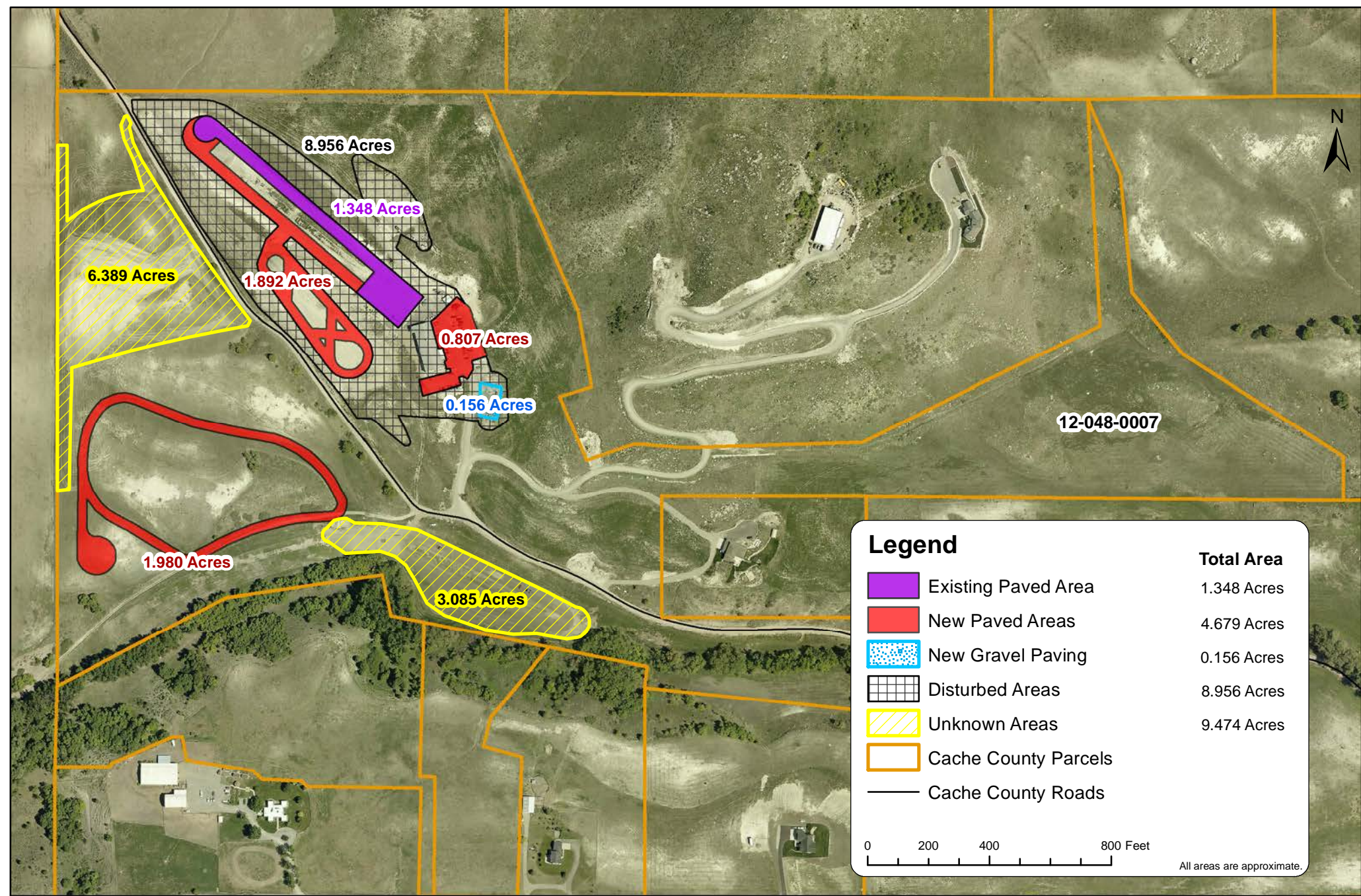


26 SOUTH MAIN ST  
SMITHFIELD, UTAH  
TEL 435.563.3734  
www.sunrise-eng









**Legend**

	Existing Paved Area	<b>Total Area</b> 1.348 Acres
	New Paved Areas	4.679 Acres
	New Gravel Paving	0.156 Acres
	Disturbed Areas	8.956 Acres
	Unknown Areas	9.474 Acres
	Cache County Parcels	
	Cache County Roads	

0 200 400 800 Feet

All areas are approximate.



MEMORANDUM

---

**Date:** 07 August 2014  
**To:** Cache County Planning Commission  
**From:** Cache County Development Services  
**Subject:** Autonomous Solutions, Inc. - Permit Status

This memorandum details the permit status of Autonomous Solutions, Inc., located at 990 North 8000 West currently on 88.51 acres in the Agricultural (A10) Zone with parcel number 12-048-0007. This review originated with a request from Autonomous Solutions to Cache County for the improvement of the access roads to their site. The details of this memo include information regarding the existing permit and conditions of approval, violations, proposed expansion, and current ordinance requirements.

**Existing Permits and Conditions of Approval**

Conditional Use Permit:

In 2005, Autonomous Solutions, Inc. applied for a conditional use permit to allow the design, construction, and testing of robotic farm equipment on 81.46 acres. Prior to approval, the original request was denied as the proposed use was not a defined or permitted use within the county ordinance. Following the denial, the County Council amended the ordinance (see Exhibit A) to include this particular use, and the permit (see Exhibit B) was then approved as a “Private Agricultural Experiment and/or Field Station”. The approved conditional use permit, as proposed by the proponent, specifically included approval for:

1. A 160’x60’ building
2. A 52 space parking area
3. No more than 45 employees (38.5 FTE)
4. Operating hours: 8:00 a.m. – 6:00 p.m., Monday – Friday
5. Ingress and egress routing from the north, via Highway 30 and 8000 West.
6. Snow removal and maintenance of said access route to be handled by the proponent (annual blading to be performed by Cache County).

The permit also included the following conditions of approval:

1. Any expansion of the approved conditional use shall require review and approval by the County Planning Commission prior to the expansion.
2. Any present or future commercial buildings and parking lots shall be at least 100 feet away from the property line.
3. No more than 20% of the land can be used for buildings, parking lots, and other development. 20% of the then 81.46 acre parcel is equal to ~16.3 acres.

Building Permit:

A building permit was issued in June of this year for an interior remodel/reconfiguration of the existing building. Review by the Planning and Zoning Office was not conducted as the interior remodel/reconfiguration was not viewed as an expansion, enlargement, or intensification since the applicant verbally specified that there had not been an increase in the number of employees.

## Violations

At this time, Autonomous Solutions, Inc. is in violation of that permit as follows:

1. Expansion of the use has occurred without the approval of the Planning Commission.
  - a. The parking area and test tracks are in the process of being expanded and paved. Development Services has issued a verbal stop work order for all site improvements occurring without a permit.
  - b. There are 75 employees (75 FTE).
  - c. More than 20% of the land is being used for buildings, parking lots, and other development (see Exhibit C). As the boundary of this property has been adjusted over time, the total acreage of the parcel is now 88.51 acres. The total area in use is ~23 acres or 28% of 81.46 acres, and 26% of the existing 88.51 acres.
2. Employees and service vehicles use both the north (Highway 30 and 8000 West) and south (600 North and Veibell Road) access routes. Both these routes are substandard. The substandard portion of 8000 West from the north is  $\frac{3}{4}$  of a mile long and is an average 19 foot wide, gravel surface, with drainage and clear zone issues. The road from the south varies in width from 20 feet at the southeast end to 14 feet at the northwest end, with narrow points (11 feet and 15 feet) in between, is roughly graveled, and runs through a large drainage area.
3. Development Services has inquired with the state and with the developer if a state permit for storm water was in place. It was confirmed by both that a permit was not in place. A state storm water permit and a Storm Water Pollution Prevention Plan (SWPPP) for the disturbed area are required. The developer is now in the process of providing a SWPPP and obtaining the necessary state permit.
4. Conduit for the placement of utilities for Autonomous Solutions has been placed in the county right-of-way, and in the actual roadway, of 8000 West and Veibell Road without a permit.

## Proposed Expansion

Having been notified by Development Services of the noncompliant nature of their expansion and operation, Autonomous Solutions, Inc. is seeking Planning Commission approval regarding the noted violations and the proposed and/or future expansion. This includes the following (see Exhibit D):

1. 120 space concrete parking area.
2. Additional acreage for test tracks. This would increase the use area to ~25 acres or 31% of 81.46 acres, and 28% of the existing 88.51 acres.
3. No more than 150 employees (150 FTE) by 2018.

At this time, a solution for the violation regarding ingress and egress has not been identified by Autonomous Solutions, Inc. However, Autonomous Solutions has approached the County on multiple occasions seeking additional maintenance and improvements to these roadways. The County has declined to provide the requested improvements as they are not within the Capital Improvements Plan and the maintenance of the roadways were clearly the responsibility of Autonomous Solutions as was presented by the applicant in the 2005 permit application process (see Exhibit E).

## Current Ordinance

Since the approval in 2005, the Cache County Ordinance has been amended. The specific use type and definition for the previously approved use "Private Agricultural Experiment and/or Field Station" no longer exist within the current code. However, as per §17.06.130 Nonconforming, Use, Lot, or



Structure, the existing use may continue as a legal, nonconforming use, but shall not be enlarged upon, expanded, or intensified.

As per §17.07.030 Use Related Definitions, and §17.09.030 Schedule of Uses by Zoning District, expansion of this use would best qualify as “4200 Professional Office” which is only permitted in the Commercial (C) Zone as a conditional use. Therefore, the rezone of the property would be required before a request for the expansion of the conditional use permit could be considered.

As per the Cache County Manual of Road Design and Construction Standards, Table 2.2 – Roadway Typical Sections, the minimum requirement for a commercial use is a 22 foot wide paved surface with one foot wide gravel shoulders.

**Staff recommendation**

Staff is seeking the direction and comment of the Planning Commission regarding possible next steps for Autonomous Solutions, Inc. in consideration of the existing and proposed expansions of the use and current ordinance requirements.

CACHE COUNTY  
ORDINANCE NO. 2005-09

AN ORDINANCE AMENDING AND RESTATING IN ITS ENTIRETY THE CACHE COUNTY ZONING ORDINANCE, CHAPTER 17, CACHE COUNTY CODE.

The County Council of Cache County, Utah, in regular meeting, lawful notice of which has been given, hereby amends and restates in its entirety the Cache County Zoning Ordinance by adopting and restating the entire Zoning Ordinance, Chapter 17 of the Cache County Code as duly recommended by the Cache County Planning Commission.

(1) Chapter 17.07.020 - Definitions (B)

1. 17.07.020 – Private Agricultural Experiment and/or Field Station

An area with associated accessory buildings, structures and improvements not owned or operated by a governmental or education agency or institution, but owned and operated for the primary purposes of agriculture and/or agriculturally related scientific study, experimentation, design, and development of agricultural processes, products and systems.

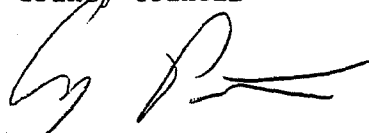
2. 17.08.020 – Schedule of Uses by Zones

To include Private Agricultural Experiment and/or Field Station as a “Conditional Use” and requiring approval as a conditional use within the Agricultural Zone.

This Ordinance was adopted by the County Council, Cache County, Utah, on the 13th day of September, 2005 upon the following vote:

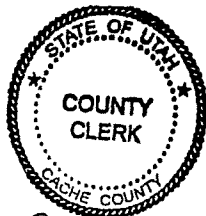
	Voting in Favor	Voting Against	Abstaining	Excused/Absent
H. Craig Petersen	X			
Brian Chambers	X			
Darrel L. Gibbons	X			
John H. Hansen	X			
Kathy Robison	X			
Cory Yeates				X
Gordon Zilles	X			

Cache County Council



H. Craig Petersen, Chairman

ATTEST:



*Jill N. Zollinger*  
 Jill N. Zollinger, County Clerk

Publication Date: 09/29/05



CONDITIONAL USE PERMIT

Date Issued 6/2/06
Receipt # 1463
Permit # 1138

(This permit does not give clearance for a Building Permit)

OWNERS' NAME M & R Rentals, LC ZONE Agricultural
PROJECT NAME Autonomous Solutions Inc. TAX # 12-048-0005
AGENT'S NAME Melvin & Raeghn Torrie # of ACRES 81.46
PROJECT ADDRESS 7970 West 1000 North APPROVAL DATE September 12, 2005
Petersboro LEGAL DESCRIPTION ATTACHED

CONDITIONAL USE PERMITTED: To allow the construction and operation of a facility for the research and development of robotic tractors and other vehicles to include a 160' X 60' structure with approximately 52 parking spaces; 13 part time employees, 28 full time employees and 4 family members for a total of 45 employees; and operating hours from 8:00 a.m. until 6:00 p.m., Monday through Friday.

This conditional use permit is subject to the following specific conditions: 1) Current and future property owners must be aware that they will be subject to the sights, sounds, and smells associated with agricultural activities which are the permitted uses in the Agricultural Zone (Ag) and Forest Recreation Zone (FR-40). 2) Any expansion of the approved conditional use shall require review and approval by the County Planning Commission prior to the expansion.

ADDITIONAL STIPULATIONS:

- 1) Any present or future commercial buildings and parking lots shall be at least 100 feet away from the property line. 2) No more than 20 percent of the land can be used for buildings, parking lots, and other development.

Expiration: This conditional use permit shall expire and be null and void one (1) year after the Approval Date unless: 1) a County Building Permit has been issued and remains in force until the completion of the approved project; 2) a County Business License is issued and remains current for the approved commercial business; and 3) substantial work shall have been accomplished towards the completion of the approved project. If at any time any specific condition is not fully complied with, the Planning Commission may revoke the conditional use permit upon a 30-day notice to the applicant/property owner and following a hearing.

Dated April 28, 2006

[Signature]
CACHE COUNTY PLANNER AND ZONING ADMINISTRATOR

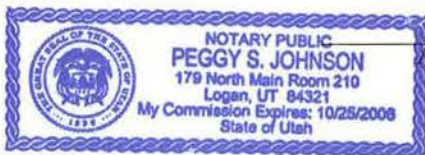
AGREEMENT OF ACCEPTANCE

I have read, understand and agree to comply with the Land Use Ordinance and the terms of this permit. I realize that in order to do any construction on the property, I will be required to obtain a County Building Permit and that I will need to meet the standards of Cache County for any improvements. I agree to reimburse Cache County for any costs of enforcement including reasonable attorney fees, and/or any other costs of enforcement incurred by Cache County resulting from my failure to comply with the Land Use Ordinance and the terms of this conditional use permit.

Dated 2 June 06

[Signature]
Applicant/Property Owner

STATE OF UTAH }
COUNTY OF CACHE }



Sworn to and subscribed to before me this
2nd day of June, 2006.

[Signature]
Notary Public

Ent 917839 Bk 1408 Pg 1893
Date 2-Jun-2006 11:58AM Fee \$12.00
Michael Gleed, Rec. - Filed By GC
Cache County, UT
For M&R RENTALS



Cache County Corporation

Tax Roll Information

Monday, June 20, 2005

12:55PM

Parcel 12-048-0005

Entry 854123

Name FALSLEV, SHEILA Y, SUC TR

\*\*\*\*\*LEGAL DESCRIPTION\*\*\*\*\*

Property Address:

Current Year:

BEG 687.54 FT N OF SW COR SEC 25 T 12N R 2W & TH N 61\*55'44" E 627.12 FT TH N 81\*22'57" E 525.58 FT TH S 11\*32'34" E 132 FT TH S 79\*38'47" E 866.1 FT TH S 4\*32'41" W 67.37 FT TH S 84\*33'28" E 717.17 FT TO E LN OF SW/4 SD SEC TH N 831.68 FT TH S 88\*03'33" W 580.76 FT N 85\*55'06" W 157.87 FT S 71\* W 166 FT ALG ROAD N 24\*20'33" W 230 FT N 71\* E 112 FTTH NE'LY IN STRAIGHT LINE TO PT S 24\*20'33" E 814.67 FT OF PT N 89\* 14'02" E 1381.42 FT ALG N LN OF SW 1/4 SD SEC OF PT N 2598.25 FT FROM SW COR SD SEC TH N 24\*20'33" WEST 814.67 FT TH S 89\*14'02" W 1381.42 FT TH S 1952.46 FT TO BEG SUBJ TO AR/W BEG N 384.12 FT FROM SW COR SD SEC & TH N 364 FT TO S LN OF ROAD TH E 16.5 FT TH S 364 FT TH W 16.5 FT TO BEG & SUBJ TO 40 FT R/W OVER EXISTING ROAD AS DESC IN BK 332 PG 548 NET 81.46 AC M/L

Next Year:

Next Year Legal Description Same as Current Year

\*\*\*\*\* End of Report \*\*\*\*\*

Ent 917839 Bk 1408 Pg 1894

12-048-0001

12-048-0002

12-048-0003

12-048-0004

12-048-0012

12-048-0010

12-048-0007

12-048-0005

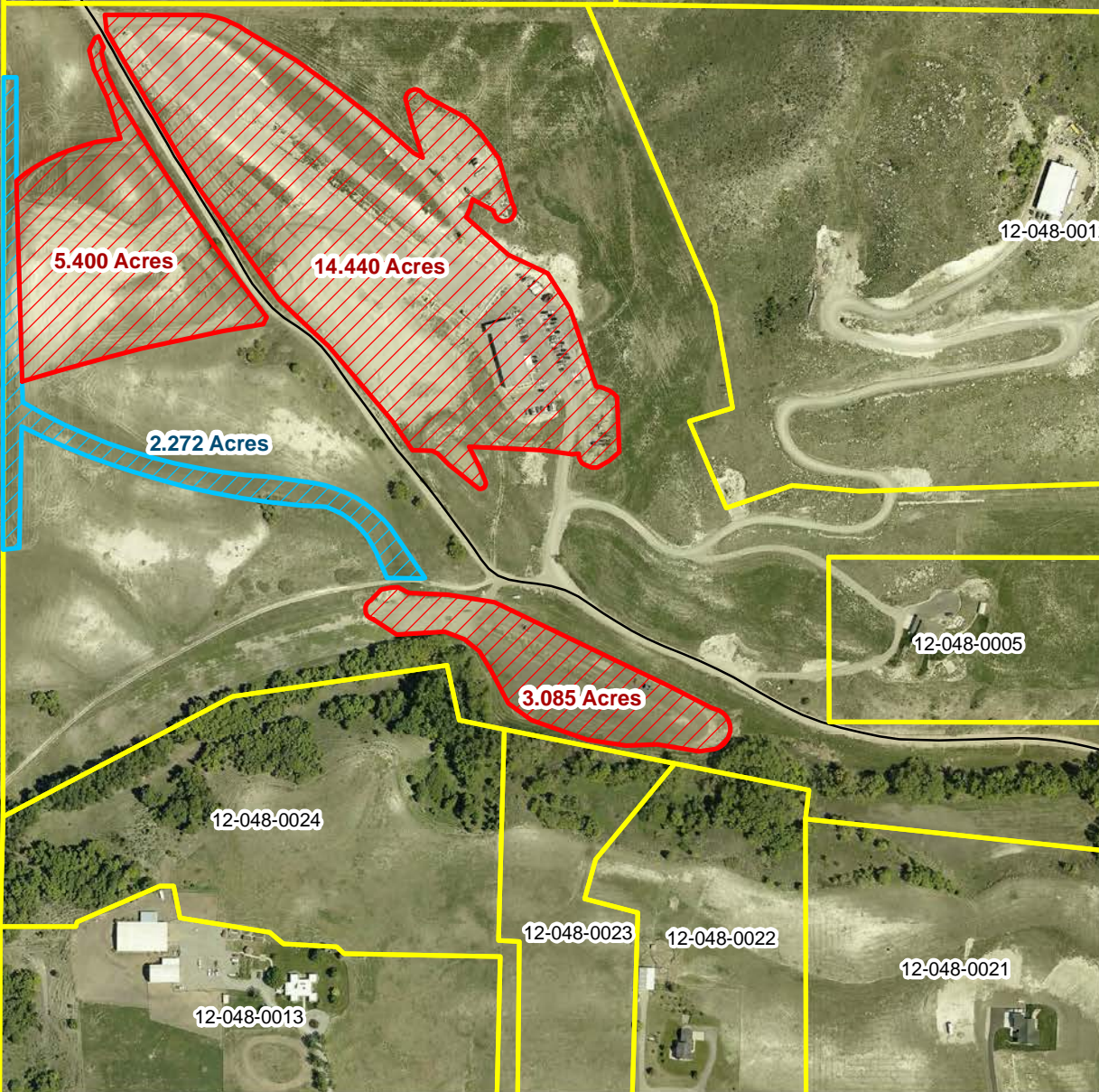
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12-048-0023

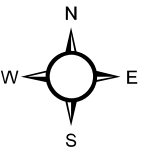
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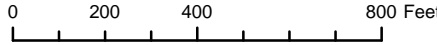
12-048-0021



**Legend**

-  Parcel 12-048-0007 Area In Use Total Area  
22.925 Acres
-  Parcel 12-048-0007 Proposed Total Area  
2.272 Acres
-  Cache County Parcels
-  Cache County Roads





All areas are approximate.



**Letter of Intent – Conditional Use Permit  
M & R Rentals (Autonomous Solutions Inc.)**

**Detailed Explanation:**

- a) Proposed use:
  - Operation of a facility for the research and development of robotic tractors and other vehicles.
  - Square Footage of Building: 160' x 60' structure.
  - Parking lot with 120 parking spaces.
  - Any other building property items:
    - Our daily operations include testing vehicles on outside closed test tracts. There are 9 acres of closed test tracts used for Agricultural and other test vehicles.
- b) Number of Employees:
  - Current Conditional Use permit is for 45 employees.
  - Growth in 2014 -2015 is estimated to be to 100 employees.
  - Growth in 2016-2018 is 150 employees.
- c) Hours of Operation:
  - 8:00 a.m. until 6:00 p.m., Monday through Friday.
- d) Traffic and Parking:
  - Cement Parking Lot with 120 parking spaces.
  - Type of Deliveries and frequency:
    - Mail: Once Daily through normal mail delivery route to mail box.
    - UPS: Once Daily, 5 times a week.
    - FedEx: Once Daily, 2-3 times a week.
    - Semi-truck: 4 times a month for product delivery.
    - Other: As needed per projects. Estimated less than 2 times a month.
- e) Signage:
  - NA: No new signage will be added to the building or area.
  - In the near future we may need to put up more caution signs to warn about autonomous testing for people driving on county road.
- f) Equipment:
  - Office equipment: Standard office equipment, computers, printers, phones, etc.
  - Shop Equipment: Typical tools to work on vehicles, and electrical tools.
  - Vehicles:
    - Agricultural vehicles and other vehicles used for research and development for robotic research.
- g) Waste and/or garbage:
  - No change to current process of disposing waste.
  - May need to increase our garbage can from a 6 yard can to a larger can in the near future.

**Site Plan showing the proposed layout of the subject property including:**

*(See attached rendering for test track expansions.)*

- a) North arrows are listed.
- b) Street address 990 N 8000 W
- c) No new buildings proposed
- d) We are improving our parking and test track areas.
  - o We are paving our gravel parking lot.
  - o We are paving one test track directly north of our building.
  - o We are creating another gravel test track west of the building.
- e) No existing easements or rights-of-way on the site.
- f) Not a sensitive area
- g) See attached
- h) See attached.

**New Construction proposed, building elevations that much include: Not applicable**

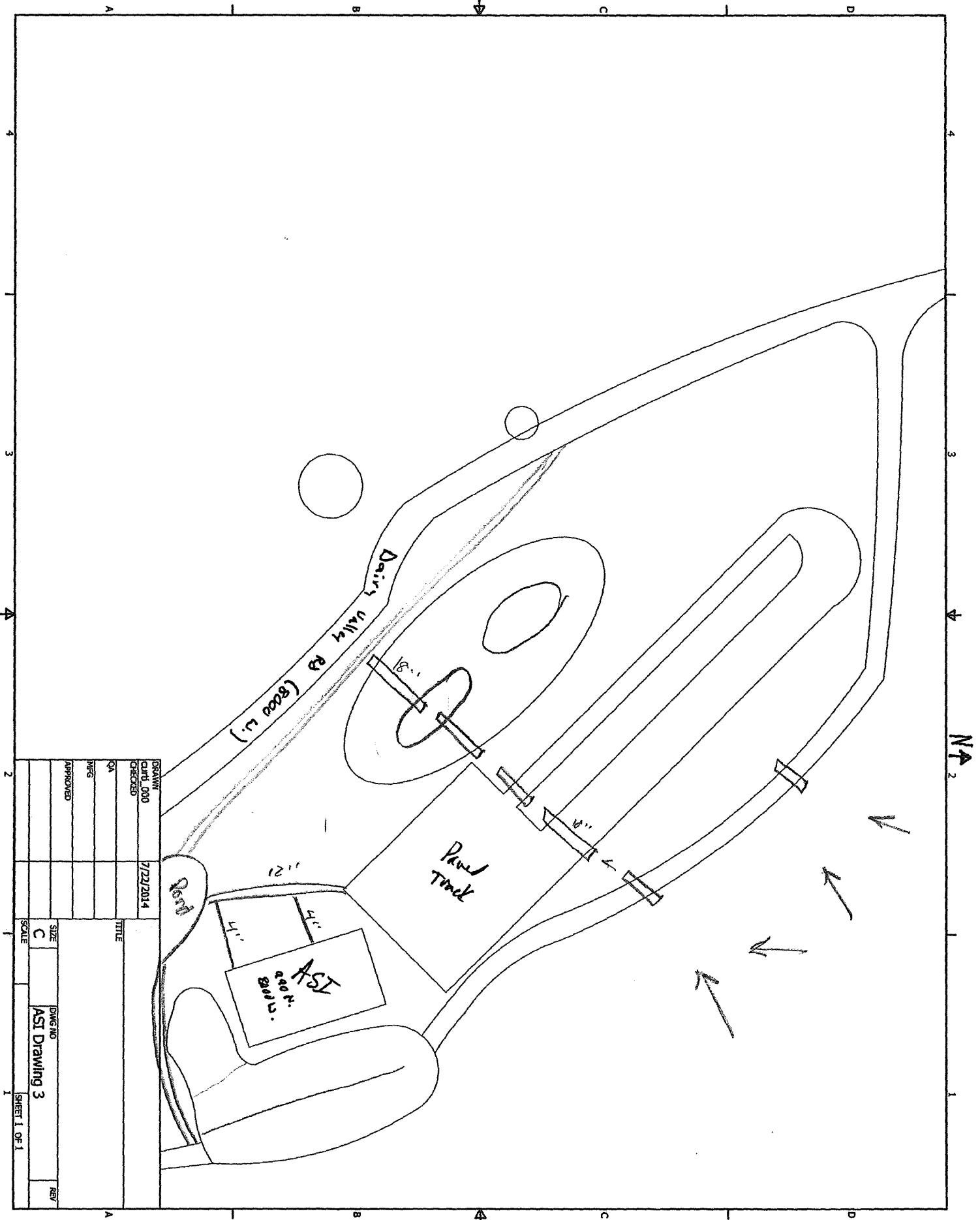
- o No new buildings at this time. See current building permit for internal building expansion.











DRAWING	DATE	7/22/2014	TITLE	
DATE	CHECKED			
QA				
INFG				
APPROVED				
SCALE				
SIZE			DWG NO	
C			ASI Drawing 3	
			SHEET 1 OF 1	
			REV	

Letter of Intent

June 1, 2005

To Whom It May Concern:

Please accept the following information to be our letter of intent:

Company Name: Autonomous Solutions, Inc.

DBA: ASI

Current Address: 1946 S 1600 W Young Ward, UT 84339

Intended Address: No current address

Parcel: 12-048-0005

Legal Description: BEG 687.54 FT N OF SW COR SEC 25 T 12N R 2W & TH N 61\*55'44" E 627.12 FT TH N 81\*22'57" E 525.58 FT TH S 11\*32'34" E 132 FT TH S 79\*38'47" E 866.1 FT TH S 4\*32'41" W 67.37 FT TH S 84\*33'28" E 717.17 FT TO E LN OF SW/4 SD SEC TH N 831.68 FT TH S 88\*03'33" W 580.76 FT N 85\*55'06" W 157.87 FT S 71\* W 166 FT ALG ROAD N 24\*20'33" W 230 FT N E 112 FTTH NE'LY IN STRAIGHT LINE TO PT S 24\*20'33"E 814.67 FT OF PT N 89\*14'02" E 1381.42 FT ALG N LN OF SW 1/4 SD SEC OF PT N 2598.25 FT FROM SW COR SD SEC TH N 24\*20'33" WEST 814.67 FT TH S 89\*14'02" W 1381.42 FT TH S 1952.46 FT TO BEG SUBJ TO AR/W BEG N 384.12 FT FROM SW COR SD SEC & TH N 364 FT TO S LN OF ROAD TH E 16.5 FT TH S 364 FT TH W 16.5 FT TO BEG & SUBJ TO 40 FT R/W OVER EXISTING ROAD AS DESC IN BK 332 PG 548 NET 81.46 AC M/L

Current Phone: (435) 755-2980

Type of Business: Tractor & other vehicle Robotics Research & Development

Number of employees: 13 Part-time – 28 Full time (41 total) *4 family members*

Hours of operation: M-F 8a.m. – 6p.m.

Deliveries taken from: UPS, FedEx, DHL (Airborne Express) & Common Carrier Semi tucks

Methods of advertising: Web Site, Domestic and International displays at trade shows

Methods of disposal of waste and garbage: 200-300 gallon garbage container

Equipment used:

- 1. Common office equipment; computers, telephones, adding machines, copier/fax machine/printer, plasma TV., overhead projector, Dymo labeler,
- 2. Shop equipment; air compressor, mill, drill press, drills, plasma cutter, band saw, lathe, skill saw.
- 3. Automobiles; Ford Pick-Up and an ElDorado Motor Home

Impact on roads: 28 full time employees , 13 part time employees and infrequent visits from customers (~3/month), We plan on grading, snow removing and damage repair on the north entrance gravel road that is not regularly serviced by the county.

Adequate Parking for employees and customers: 50 stalls for parking

Due to the financial impact of the projected 4-6 month delay to obtain a commercial well permit, we are proposing to haul in water in order to get construction underway.

The forgoing statements and answers herein contained and the attached plans and other exhibits thoroughly, to the best of my ability, present the argument in behalf of the application herewith requested; and the statements and information above referred to are, in all respects, true and correct to the best of my knowledge and belief.

Signed: *Melvin W. Torrie* *Raeghn E. Torrie* Dated *6-20-05*  
Melvin W. Torrie Raeghn E. Torrie



## **Optional Data and Site Plan**

Cache County Commercial Use Application

June 2005

### **Optional Data:**

#### **Autonomous Solutions Inc. (ASI) History and Activities:**

ASI is an engineering company that spun out of the Utah State University Electrical Engineering Department in 2000. ASI designs and builds Agricultural and Government related robotic farm equipment for John Deere and the U.S. Government. These activities require a large "shop-like" building located on farming land so that development and testing can be done efficiently.

#### **Road Access:**

All egress and ingress will route through the north side of the property. All land owners that would be required to provide an easement have been contacted and are cooperating. *We will be taking care of snow removal and maintenance.*

#### **Applicant Address:**

Sheila Falslev  
261 Larkspur Dr  
Logan UT 84321

Agent: Mel and Raeghn Torrie  
1946 South 1600 West  
Young Ward UT 84339

#### **Attachment A:**

Close up Site Plan showing building dimensions

#### **Attachment B:**

Zoom out Site Plan showing distance to land borders

#### **Attachment C:**

Photo from south side of property looking North

#### **Attachment D:**

Panoramic photo of property

#### **Attachment E:**

Road Map

#### **Attachment F:**

Pictures of proposed building

PLANNING COMMISSION EVALUATION  
MELVIN AND RAEGHN TORRIE  
AUTONOMOUS SOLUTIONS INC.  
11 JULY 2005

Melvin and Raeghn Torrie, agents for Autonomous Solutions Inc., and Sheila Falslev, are requesting a conditional use permit to allow the research and development of robotics tractors and other vehicles on 81.46 acres of property in the Agricultural Zone located at approximately 800 North 8000 West, Petersboro.

This business is a company that came out of Utah State University Electrical Engineering Department in 2000. It designs and builds agricultural and government related robotic farm equipment for John Deere and the US Government. These activities require a large "shop-like" building located on farming land so that development and testing can be done efficiently. It, therefore, would require that a building be constructed on the property 120' x 60' where the equipment could be built. An outdoor area of approximately 120' x 160' would be used for testing the equipment. Approximately 52 parking stalls are shown on the site plan. There would be 13 part-time employees, 28 full-time employees, and 4 family members for a total of 45 employees. They anticipate very few visits from customers during a month's time. The business would operate Monday through Friday 8 a.m. to 6 p.m.

The business would expect deliveries from UPS, FedEx, DHL (Airborne Express) and semi trucks. Advertising would be done through the web site, domestic and international displays and trade shows.

The equipment to be used would be common office equipment such as computers, telephones, adding machines, copier/fax machine/printer, plasma TV., overhead projector, and labeler. For the shop there would be an air compressor, mill, drill press, drills, plasma cutter, band saw, lathe, and skill saw. A pickup and a motor home will also be used.

Because of the impact of the projected 4-6 months delay to obtain a commercial well permit, they are proposing to haul in water in order to begin construction.

Access to the property would be from the Box Elder side of the County line off the Valley View Highway on a 4<sup>th</sup> priority dirt road with a 12' to 14' wide road. This road would need to be brought to a 20' wide surface the entire length to the property where the business is to take place. The acreage is located directly north of the Avalon Hills treatment facility. The applicants could not obtain a 50' right-of-way through property to access from the road which accesses Avalon Hills. They plan to obtain the required 50' foot wide right-of-way from property owners along the existing road and will be required to bring the road to county standards. They will be required to remove the snow in winter and maintain the road for emergency equipment.

Since the equipment is agriculturally related, and since the project requires agricultural land for testing, the applicants are not interested in changing the zone to commercial or manufacturing. The problems as they appear from information presented are as follows:

1. Ordinance requirements for a manufacturing business to be in a manufacturing zone.
2. The fact that culinary water is not yet available.
3. The access road is sub-standard and will require rights-of-way being obtained; substantial road improvements to be made; snow removal, and general up-keep.

Findings of fact could include but not be limited to the following:

1. The business is agriculturally related.
2. The business has been operating in the valley for a number of years near the airport where the equipment has been tested on the airport runway.
3. The applicants have agreed to upgrade and maintain the road. The county will not increase services to this area.



**4800 ANIMAL BOARDING FACILITY:** A series of stables, barns, paddocks, and/or other shelters and exercising facilities in which farm animals are fed, exercised and/or cared for on a short or long term basis for a fee.

**4810 ANIMAL SHELTER:** A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

**4820 KENNEL:** Any establishment at which four (4) or more adult dogs are bred or raised for sale, boarded, or cared for. Additional definitions regarding kennels are as follows:

- a. A dog is considered an adult when it is six (6) months of age or older.
- b. Up to four (4) adult dogs may be allowed per acre, but a kennel shall consist of no more than 12 adult dogs.
- c. Kennels consisting of 13 or more adult dogs shall be considered equivalent to the use type "6150 Animal Shelter" as indicated by this title, and must seek approval under those requirements.

#### **CULTURAL, ENTERTAINMENT, AND RECREATION:**

**5100 RECREATIONAL FACILITY:** A place, either indoor or outdoor, designed and equipped for the conduct of sports and leisure time activities that are operated as a business and open to the general public for a fee. These facilities are typically operated for a period of greater than 30 days per year. May also include incidental hotel/motel accommodations for up to 15 rooms.

1. Campground: Any area with more than three (3) sites that are improved for occupancy by transients using recreational vehicles, motor homes, mobile trailers, or tents for dwelling, lodging, or sleeping purposes with a maximum duration of stay of two (2) weeks.

**5200 RESORT:** A facility which serves as a destination point for visitors, and has recreational facilities for the use of guests, and may include residential accommodations for guests. Typical uses within a resort include but are not limited to: Ski facilities, Golf Courses, or other recreational facilities and overnight accommodations, meeting rooms, convention and banquet facilities, administrative facilities, maintenance and storage facilities, and restaurant/retail uses which are customarily appurtenant to such uses.

1. Ski Facility: A recreational use, with associated facilities and improvements, for downhill or cross country skiing, snowboarding, snowshoeing, snowmobiling, or other snow related activities. Associated facilities and improvements include, but are not limited to: lodging; food, retail, and support services; recreational and fitness facilities; parking accommodations; and other uses of a similar nature specifically authorized in conjunction with the operation of the facilities as a resort.
2. Golf Course: A tract of land laid out with a least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range, and shelters as accessory uses.

**5300 SEXUALLY ORIENTED BUSINESSES:** Seminude entertainment businesses, sexually oriented outcall services, adult businesses, and seminude dancing agencies, as defined by Title 5.

**INSTITUTIONAL, PUBLIC, AND UTILITY USES:**

**6100 PUBLIC/INSTITUTIONAL FACILITY:** Includes the following specific uses:

**6110 CEMETERY:** A place designated for the burial or keeping of the remains of the dead, whether human or animal, including crematories and mausoleums, and meeting all applicable local, state, and federal requirements and regulations.

**6120 PUBLIC USES:** A use operated exclusively by a public entity over which the County has no jurisdiction in compliance with 17-27a-304, Utah Code Annotated, 1953, as amended.

**6130 RELIGIOUS MEETING HOUSE:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

**6140 CORRECTIONAL FACILITY:** Facilities for the judicially required detention or incarceration of people, where inmates and detainees are under 24-hour supervision by professionals, except when on approved leave. If the use otherwise complies with this definition, a correctional facility may include, by way of illustration, a prison, jail, or probation center.

~~**6150 ANIMAL SHELTER:** A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.~~

**61650 EDUCATIONAL FACILITY:** Any building or part thereof which is designed, constructed, or used for education or instruction by a public or private organization in any branch of knowledge, but excluding preschool centers. Includes the following uses:

1. Boarding School: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
2. Therapeutic School: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.

**6200 UTILITIES:** All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, telecommunication and telephone cables and the generation of power as further defined herein.

3. **Agricultural Building:** A structure used solely in conjunction with agriculture use, not for human occupancy, and complying with the requirements of section 58-56-4, Utah Code Annotated, 1953, as amended. To qualify as an agricultural building, the structure must be located outside of a residential area, as defined by section 58-56-4(1), Utah Code Annotated, 1953, as amended.
4. **Agricultural Products Storage:** The storage of raw agricultural products. This use does not include the commercial slaughtering, the processing and packaging of meat and poultry, or the processing of food stuffs.
5. **Livestock Production:** An agricultural operation or establishment which keeps, feeds, or raises livestock for commercial purposes and as a principal land use. These include piggeries, dairies, dairy and beef cattle ranching, feedlots, chicken, turkey and other poultry farms, rabbit and mink farms, apiaries, and aviaries.
6. **Grazing:** The feeding of livestock or horses where more than fifty percent (50%) of the feed is produced on the immediate parcel and available to the animals as in-place vegetation to sustain life.

**7110 CONCENTRATED ANIMAL FEEDING OPERATION (CAFO):** A lot or facility as defined by the EPA as meeting or exceeding the standards of a Large CAFO.

**7120 LIVESTOCK AUCTION FACILITY:** A structure or structures with associated pens, yards, corrals, and loading and unloading facilities used for the sale of livestock.

~~**7200 ANIMAL BOARDING FACILITY:** A series of stables, barns, paddocks, and/or other shelters and exercising facilities in which farm animals are fed, exercised and/or cared for on a short or long term basis for a fee.~~

- ~~1. **Kennel:** Any establishment at which four (4) or more dogs are bred or raised for sale, boarded, or cared for.~~

**73007200 FORESTRY ACTIVITIES:** The felling and transportation of commercially harvested trees. Forestry activities do not include the harvesting of firewood or trees for private use. Excludes sawmills or the production/finishing of lumber.

**74007300 MINERAL EXTRACTION:** The extraction of metallic and nonmetallic minerals or materials; including the accessory uses of rock crushing, screening, and the storage of explosives; except where such excavation is for purposes of grading for a building lot or roadway, where grass sod is removed to be used for landscaping, or where materials are excavated from a lot for use on that same lot or an adjoining parcel by the owner of the property. Includes stone quarries and sand/gravel pits.

**74107310 TOPSOIL EXTRACTION:** Extraction activities limited to the removal and sale of topsoil, except where such excavation is for purposes of grading for a building lot or roadway, where grass sod is removed to be used for landscaping, or where materials are excavated from a lot for use on that same lot or an adjoining parcel by the owner of the property.

**74207320**     **SITE GRADING:** The act of excavation or filling or combination thereof or any leveling to a smooth horizontal or sloping surface on a property in preparation for the construction of a building, but not including normal cultivation associated with an agricultural operation. Excavation shall be less than 1,500 cubic yards per parcel. Additional excavation may only be permitted with a variance.



- 4800 ANIMAL BOARDING FACILITY:** A series of stables, barns, paddocks, and/or other shelters and exercising facilities in which farm animals are fed, exercised and/or cared for on a short or long term basis for a fee.
- 4810 ANIMAL SHELTER:** A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.
- 4820 KENNEL:** Any establishment at which four (4) or more adult dogs are bred or raised for sale, boarded, or cared for. Additional definitions regarding kennels are as follows:
- a.** A dog is considered an adult when it is six (6) months of age or older.
  - b.** Up to four (4) adult dogs may be allowed per acre, but a kennel shall consist of no more than 12 adult dogs.
  - c.** Kennels consisting of 13 or more adult dogs shall be considered equivalent to the use type “6150 Animal Shelter” as indicated by this title, and must seek approval under those requirements.

#### **CULTURAL, ENTERTAINMENT, AND RECREATION:**

- 5100 RECREATIONAL FACILITY:** A place, either indoor or outdoor, designed and equipped for the conduct of sports and leisure time activities that are operated as a business and open to the general public for a fee. These facilities are typically operated for a period of greater than 30 days per year. May also include incidental hotel/motel accommodations for up to 15 rooms.
- 1.** Campground: Any area with more than three (3) sites that are improved for occupancy by transients using recreational vehicles, motor homes, mobile trailers, or tents for dwelling, lodging, or sleeping purposes with a maximum duration of stay of two (2) weeks.
- 5200 RESORT:** A facility which serves as a destination point for visitors, and has recreational facilities for the use of guests, and may include residential accommodations for guests. Typical uses within a resort include but are not limited to: Ski facilities, Golf Courses, or other recreational facilities and overnight accommodations, meeting rooms, convention and banquet facilities, administrative facilities, maintenance and storage facilities, and restaurant/retail uses which are customarily appurtenant to such uses.
- 1.** Ski Facility: A recreational use, with associated facilities and improvements, for downhill or cross country skiing, snowboarding, snowshoeing, snowmobiling, or other snow related activities. Associated facilities and improvements include, but are not limited to: lodging; food, retail, and support services; recreational and fitness facilities; parking accommodations; and other uses of a similar nature specifically authorized in conjunction with the operation of the facilities as a resort.
  - 2.** Golf Course: A tract of land laid out with a least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range, and shelters as accessory uses.

**5300 SEXUALLY ORIENTED BUSINESSES:** Seminude entertainment businesses, sexually oriented outcall services, adult businesses, and seminude dancing agencies, as defined by Title 5.

**INSTITUTIONAL, PUBLIC, AND UTILITY USES:**

**6100 PUBLIC/INSTITUTIONAL FACILITY:** Includes the following specific uses:

**6110 CEMETERY:** A place designated for the burial or keeping of the remains of the dead, whether human or animal, including crematories and mausoleums, and meeting all applicable local, state, and federal requirements and regulations.

**6120 PUBLIC USES:** A use operated exclusively by a public entity over which the county has no jurisdiction in compliance with 17-27a-304, Utah Code Annotated, 1953, as amended.

**6130 RELIGIOUS MEETING HOUSE:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

**6140 CORRECTIONAL FACILITY:** Facilities for the judicially required detention or incarceration of people, where inmates and detainees are under 24-hour supervision by professionals, except when on approved leave. If the use otherwise complies with this definition, a correctional facility may include, by way of illustration, a prison, jail, or probation center.

**6150 EDUCATIONAL FACILITY:** Any building or part thereof which is designed, constructed, or used for education or instruction by a public or private organization in any branch of knowledge, but excluding preschool centers. Includes the following uses:

1. Boarding School: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
2. Therapeutic School: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.

**6200 UTILITIES:** All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, telecommunication and telephone cables and the generation of power as further defined herein.

**6210 UTILITY FACILITY, TRANSMISSION:** A general term for the following uses. These uses are not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.

1. Electric Transmission Line: A power transmission line, either above or below ground, designed to provide electric transmission at voltages of one hundred and forty thousand (140,000) volts (140 kV), or greater, and that may provide for

4. **Agricultural Products Storage:** The storage of raw agricultural products. This use does not include the commercial slaughtering, the processing and packaging of meat and poultry, or the processing of food stuffs.
5. **Livestock Production:** An agricultural operation or establishment which keeps, feeds, or raises livestock for commercial purposes and as a principal land use. These include piggeries, dairies, dairy and beef cattle ranching, feedlots, chicken, turkey and other poultry farms, rabbit and mink farms, apiaries, and aviaries.
6. **Grazing:** The feeding of livestock or horses where more than fifty percent (50%) of the feed is produced on the immediate parcel and available to the animals as in-place vegetation to sustain life.

**7110 CONCENTRATED ANIMAL FEEDING OPERATION (CAFO):** A lot or facility as defined by the EPA as meeting or exceeding the standards of a Large CAFO.

**7120 LIVESTOCK AUCTION FACILITY:** A structure or structures with associated pens, yards, corrals, and loading and unloading facilities used for the sale of livestock.

**7200 FORESTRY ACTIVITIES:** The felling and transportation of commercially harvested trees. Forestry activities do not include the harvesting of firewood or trees for private use. Excludes sawmills or the production/finishing of lumber.

**7300 MINERAL EXTRACTION:** The extraction of metallic and nonmetallic minerals or materials; including the accessory uses of rock crushing, screening, and the storage of explosives; except where such excavation is for purposes of grading for a building lot or roadway, where grass sod is removed to be used for landscaping, or where materials are excavated from a lot for use on that same lot or an adjoining parcel by the owner of the property. Includes stone quarries and sand/gravel pits.

**7310 TOPSOIL EXTRACTION:** Extraction activities limited to the removal and sale of topsoil, except where such excavation is for purposes of grading for a building lot or roadway, where grass sod is removed to be used for landscaping, or where materials are excavated from a lot for use on that same lot or an adjoining parcel by the owner of the property.

**7320 SITE GRADING:** The act of excavation or filling or combination thereof or any leveling to a smooth horizontal or sloping surface on a property in preparation for the construction of a building, but not including normal cultivation associated with an agricultural operation. Excavation shall be less than 1,500 cubic yards per parcel. Additional excavation may only be permitted with a variance.



Index	Description	Base Zone							Overlay Zone	
		RU2	RU5	A10	FR40	RR	C	I	ME	PI
<b>1000</b>	<b>Residential</b>									
1100	Single Family Dwelling	P	P	P	N	P	N	N	N	-
1110	Foster Home	P	P	P	N	P	N	N	N	-
1120	Accessory Apartment	C	C	C	N	C	N	N	N	-
1200	Home Based Business	P	P	P	N	P	N	N	N	-
1300	Multi-Family Dwelling	N	N	N	N	C	N	N	N	-
1400	Seasonal Cabin	P	P	P	P	P	N	N	N	-
1500	Residential Living Facilities	P	P	P	N	P	N	N	N	-
<b>2000</b>	<b>Manufacturing Industries</b>									
		RU 2	RU 5	A10	FR4 0	R R	C	I	ME	PI
2100	General Manufacturing	N	N	N	N	N	N	C	N	-
2110	Agricultural Manufacturing	N	N	C	N	N	C	C	N	-
2200	Storage and Warehousing	N	N	N	N	N	N	C	N	-
2210	Self-service Storage Facility	N	N	N	N	N	C	C	N	-
2300	Transport Services	N	N	N	N	N	N	C	N	-
<b>3000</b>	<b>Trade, Wholesale and Retail</b>									
		RU 2	RU 5	A10	FR4 0	R R	C	I	ME	PI
3100	Retail and Commercial Sales	N	N	N	N	C	C	N	N	-
3110	Produce Stand	C	C	P	N	P	P	N	N	-
<b>4000</b>	<b>Services, Professional and Personal</b>									
		RU 2	RU 5	A10	FR4 0	R R	C	I	ME	PI
4100	Professional Services	N	N	N	N	C	C	N	N	-
4200	Professional Office	N	N	N	N	C	C	N	N	-
4300	Medical Services	N	N	N	N	C	C	N	N	-
4400	Human Care Services	N	N	N	N	C	C	N	N	-
4500	General Vehicle Repair	N	N	N	N	C	C	C	N	-
4600	Restaurant	N	N	N	N	C	C	N	N	-
4610	Mobile Food Truck	N	N	N	N	P	P	P	N	-
4700	Transient Lodging	N	N	N	N	C	C	N	N	-
4710	Bed and Breakfast	C	C	C	C	C	C	N	N	-
<u>4800</u>	<u>Animal Boarding Facility</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>-</u>
<u>4810</u>	<u>Animal Shelter</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>-</u>
<u>4820</u>	<u>Kennel</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>-</u>

5000	Cultural, Entertainment, and Recreation	RU 2	RU 5	A10	FR4 0	R R	C	I	ME	PI	
5100	Recreational Facility	N	N	C	C	C	C	N	N	-	
5200	Resort	N	N	N	N	C	N	N	N	-	
5300	Sexually-oriented Businesses	N	N	N	N	N	N	C	N	-	
6000	Public, Institutional, and Utility Uses	RU 2	RU 5	A10	FR4 0	R R	C	I	ME	PI	
6100	Public/Institutional Uses										
6110	Cemetery	N	N	C	N	N	N	N	N	-	
6120	Public Uses	P	P	P	P	P	P	P	N	-	
6130	Religious Meeting House	C	C	C	N	C	C	N	N	-	
6140	Correctional Facility	N	N	N	N	N	N	N	N	-	
6150	<del>Educational Facility</del> <del>Animal Shelter</del>	N	N	N	N	N	C	<del>EN</del>	N	-	
<del>6160</del>	<del>Educational Facility</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>C</del>	<del>EN</del>	<del>N</del>	<del>-</del>	
6200	Utilities										
6210	Utility Facility, Transmission	N	N	N	N	N	N	N	N	C	
6220	Utility Facility, Distribution	C	C	C	C	C	C	C	C	C	
6230	Utility Facility, Service	P	P	P	P	P	P	P	P	P	
6240	Telecommunication Facility	N	N	N	N	N	C	C	N	C	
6300	Airport	N	N	N	N	N	N	N	N	C	
6400	Solid Waste Facilities	N	N	N	N	N	N	N	N	C	
6410	Nuclear Waste Facility	N	N	N	N	N	N	N	N	N	
7000	Resource Production and Extraction	RU2	RU 5	A10	FR4 0	R R	C	I	M E	PI	
7100	Agricultural Production	P	P	P	P	P	P	P	P	-	
7110	Concentrated Animal Feed Operation	N	N	C	N	N	N	N	N	-	
7120	Livestock Auction Facility	N	N	C	N	N	C	C	N	-	
<del>7200</del>	<del>Boarding Facility</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>N</del>	<del>C</del>	<del>C</del>	<del>N</del>	<del>N</del>	<del>-</del>	
<del>7300</del> <del>720</del>	Forestry Activities	N	N	N	C	C	N	N	N	-	
<del>73400</del>	Mineral Extraction	N	N	N	N	N	N	N	C	-	
<del>7410</del> <del>731</del> <del>0</del>	Topsoil Extraction	N	N	C	N	N	N	N	C	-	
<del>7420</del> <del>732</del>	Site Grading	P	P	P	P	P	P	P	P	-	



Index	Description	Base Zone							Overlay Zone	
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<b>1000</b>	<b>Residential</b>									
1100	Single Family Dwelling	P	P	P	N	P	N	N	N	-
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1120	Accessory Apartment	C	C	C	N	C	N	N	N	-
1200	Home Based Business	P	P	P	N	P	N	N	N	-
1300	Multi-Family Dwelling	N	N	N	N	C	N	N	N	-
1400	Seasonal Cabin	P	P	P	P	P	N	N	N	-
1500	Residential Living Facilities	P	P	P	N	P	N	N	N	-
<b>2000</b>	<b>Manufacturing Industries</b>									
		RU2	RU5	A10	FR40	RR	C	I	ME	PI
2100	General Manufacturing	N	N	N	N	N	N	C	N	-
2110	Agricultural Manufacturing	N	N	C	N	N	C	C	N	-
2200	Storage and Warehousing	N	N	N	N	N	N	C	N	-
2210	Self-service Storage Facility	N	N	N	N	N	C	C	N	-
2300	Transport Services	N	N	N	N	N	N	C	N	-
<b>3000</b>	<b>Trade, Wholesale and Retail</b>									
		RU2	RU5	A10	FR40	RR	C	I	ME	PI
3100	Retail and Commercial Sales	N	N	N	N	C	C	N	N	-
3110	Produce Stand	C	C	P	N	P	P	N	N	-
<b>4000</b>	<b>Services, Professional and Personal</b>									
		RU2	RU5	A10	FR40	RR	C	I	ME	PI
4100	Professional Services	N	N	N	N	C	C	N	N	-
4200	Professional Office	N	N	N	N	C	C	N	N	-
4300	Medical Services	N	N	N	N	C	C	N	N	-
4400	Human Care Services	N	N	N	N	C	C	N	N	-
4500	General Vehicle Repair	N	N	N	N	C	C	C	N	-
4600	Restaurant	N	N	N	N	C	C	N	N	-
4610	Mobile Food Truck	N	N	N	N	P	P	P	N	-
4700	Transient Lodging	N	N	N	N	C	C	N	N	-
4710	Bed and Breakfast	C	C	C	C	C	C	N	N	-
4800	Animal Boarding Facility	C	C	C	N	C	C	N	N	-
4810	Animal Shelter	N	N	N	N	N	C	C	N	-
4820	Kennel	C	C	C	N	C	C	C	N	-

<b>5000</b>	<b>Cultural, Entertainment, and Recreation</b>	<b>RU 2</b>	<b>RU 5</b>	<b>A10</b>	<b>FR4 0</b>	<b>R R</b>	<b>C</b>	<b>I</b>	<b>ME</b>	<b>PI</b>	
5100	Recreational Facility	N	N	C	C	C	C	N	N	-	
5200	Resort	N	N	N	N	C	N	N	N	-	
5300	Sexually-oriented Businesses	N	N	N	N	N	N	C	N	-	
<b>6000</b>	<b>Public, Institutional, and Utility Uses</b>	<b>RU 2</b>	<b>RU 5</b>	<b>A10</b>	<b>FR4 0</b>	<b>R R</b>	<b>C</b>	<b>I</b>	<b>ME</b>	<b>PI</b>	
<b>6100</b>	<b>Public/Institutional Uses</b>										
6110	Cemetery	N	N	C	N	N	N	N	N	-	
6120	Public Uses	P	P	P	P	P	P	P	N	-	
6130	Religious Meeting House	C	C	C	N	C	C	N	N	-	
6140	Correctional Facility	N	N	N	N	N	N	N	N	-	
6150	Educational Facility	N	N	N	N	N	C	N	N	-	
<b>6200</b>	<b>Utilities</b>										
6210	Utility Facility, Transmission	N	N	N	N	N	N	N	N	C	
6220	Utility Facility, Distribution	C	C	C	C	C	C	C	C	C	
6230	Utility Facility, Service	P	P	P	P	P	P	P	P	P	
6240	Telecommunication Facility	N	N	N	N	N	C	C	N	C	
6300	Airport	N	N	N	N	N	N	N	N	C	
6400	Solid Waste Facilities	N	N	N	N	N	N	N	N	C	
6410	Nuclear Waste Facility	N	N	N	N	N	N	N	N	N	
<b>7000</b>	<b>Resource Production and Extraction</b>	<b>RU2</b>	<b>RU 5</b>	<b>A10</b>	<b>FR4 0</b>	<b>R R</b>	<b>C</b>	<b>I</b>	<b>M E</b>	<b>PI</b>	
7100	Agricultural Production	P	P	P	P	P	P	P	P	-	
7110	Concentrated Animal Feed Operation	N	N	C	N	N	N	N	N	-	
7120	Livestock Auction Facility	N	N	C	N	N	C	C	N	-	
7200	Forestry Activities	N	N	N	C	C	N	N	N	-	
7300	Mineral Extraction	N	N	N	N	N	N	N	C	-	
7310	Topsoil Extraction	N	N	C	N	N	N	N	C	-	
7320	Site Grading	P	P	P	P	P	P	P	P	-	

**Change throughout**

Remove “Temporary Use” and “Small Business” from language  
 Replace “Zoning Administrator” with “Director”  
 Reformat organization of uses and their standards as necessary  
 Clean up language and reference directing code sections  
 Rewrite for clarity

**17.06.070 - Standards and Criteria for Conditional Use**

Rewrite for clarity – a specific concern regarding the broad language in the standards and criteria (1-5) has been noted by the Planning Commission on several occasions when considering CUP’s (see below):

- A. The Planning Commission shall review a conditional use request with the following general standards and criteria:
1. The use applied for at the location proposed is necessary or desirable to provide a service or facility that will contribute to the general well being of the area and the county;
  2. Compatibility of the proposed use with the intent, function and policies established in the Cache Countywide Comprehensive Plan;
  3. Compatibility of the proposed use with the character of the site, adjacent properties and other existing and proposed development;
  4. The availability of, or ability to provide adequate services, drainage, parking and loading space, fire protection, and safe transportation access and vehicular circulation;
  5. Such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity;
  6. If the planning commission determines that the standards of this section cannot be met and that adequate mitigation measures cannot be imposed to bring the use into conformity with the standards and criteria, the planning commission may deny the request for a conditional use permit.
- B. In approving a conditional use permit, the planning commission may impose such reasonable conditions with respect to location, construction, maintenance, operation, site planning, traffic control, flood control, time limits, and other items for the conditional use permit as deemed necessary for the protection of adjacent properties and the public interest. The planning commission may require guarantees or other evidence that such conditions will be met and complied with.

**17.06.080 – Revocation or Modification of a Conditional Use Permit**

Change the expiration timeline for CUPs from 18 mos. to 12 mos. – reflects the timeline for subdivision approval

Need to define nuisance or address intent in a different manner (see item B.4)

- B. A conditional use permit may be modified or revoked by the Planning Commission if the Planning Commission finds that one or more of the following conditions exist:
1. The conditional use permit was obtained in a fraudulent manner.
  2. The use for which the conditional use permit was granted has now ceased for at least eighteen (18) consecutive calendar months.
  3. The nature of the use for which the conditional use permit was granted has changed or the intensity of use has increased beyond that originally approved.
  4. The use constitutes a nuisance.
  5. One or more of the conditions of the conditional use permit have not been met.

**17.06.100 – Temporary uses, 17.06.110 – Standards and Criteria for Temporary Uses**

Delete – Uses are no longer recognized as temporary





**17.06.010 Uses Identified .....1**  
**17.06.020 Application Required.....1**  
**17.06.030 Burden of Proof.....1**  
**17.06.040 Permitted Uses.....1**  
**17.06.050 Conditional Uses.....2**  
**17.06.060 Nonconforming Uses .....3**

**17.06.010: Uses Identified**

- A. All uses allowed by this title shall be identified as:
  - 1. Permitted use.
  - 2. Conditional use.
  - 3. Nonconforming use.
- B. Prohibited Use: Any use which is not identified by this title as either a permitted, conditional, or nonconforming use is hereby determined to be a prohibited use. A prohibited use shall not be allowed or authorized within the unincorporated area of the county.

**17.06.020: Application Required**

- A. All requests for a permitted or conditional use shall be made on an application form provided by the Development Services Department.
- B. No use approved as a permitted or conditional use may be modified, enlarged or expanded, without obtaining an approved modification to the permit. The application for modification shall be processed as a new permit application under this ordinance. The issuance of a permit may require that the existing development site be brought into substantial conformance with the terms of the Cache County Code in effect on the date the use permit is approved, including but not limited to: landscaping, screening, parking, and storm water retention.

**17.06.030: Burden of Proof**

- A. The applicant has the burden of proving that the application meets the ordinance requirements for any permitted or conditional use.

**17.06.040: Permitted Uses**

- A. As required by the county code, requests for a permitted use shall also provide an application for a building permit and/or application for a business license, as applicable. The Director is authorized to impose reasonable conditions in compliance with this section. A permitted use shall not become effectual until:
  - 1. A zoning clearance is issued, and as required;
  - 2. A building permit is issued, and/or;
  - 3. A business license is issued.
- B. All applications for a permitted use are required to comply with the requirements of this title, the requirements of the county building codes, and the county business license codes as adopted and as applicable. Permitted use applications shall be reviewed in accordance with the following general standards and criteria:
  - 1. The Director shall review the permitted use request and determine if the request meets the following requirements:

- a. The use is identified as a permitted use within the zoning district as identified in chapter 17.09, "Schedule of Zoning Uses", of this title.
  - b. The use complies with the requirements as defined and specified by this title.
  - c. The use complies with the Cache County roadway standards and/or requirements of the Utah Department of Transportation (UDOT).
  - d. The use meets all applicable requirements of the state.
2. Upon finding that the proposed use, building, or structure complies with the standards and requirements of this title, the Director shall issue a zoning clearance.
  3. The proposed building or structure shall then be reviewed for compliance with the current, adopted county building codes.
  4. If the request for a permitted use complies with the requirements of this title, the adopted county building codes, and the applicable requirements of the Bear River Health Department or the Utah Department of Environmental Quality, the permitted use shall be authorized.

#### **17.06.050: Conditional Uses**

- A. A conditional use allows the consideration of special uses that may be essential or desirable to a particular community, but are not allowed as a matter of right. These uses require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. The purpose of the conditional use permit application process is to evaluate possible adverse impacts and to minimize them, where possible, through the imposition of specific conditions of approval. If adverse impacts cannot be appropriately resolved, the use is not appropriate in that location or configuration.
- B. Conditional use permits may be approved by the Planning Commission as provided by this title for any of the uses for which a conditional use permit is required as identified in Chapter 17.09, "Schedule of Zoning Uses", of this title. The Planning Commission is also authorized to impose such other reasonable conditions as provided in this section.
- C. The Planning Commission shall review a conditional use request with the following general standards and criteria:

***To be revised – see list of proposed criteria in this packet***

1. The use applied for at the location proposed is necessary or desirable to provide a service or facility that will contribute to the general well being of the area and the county;
2. Compatibility of the proposed use with the intent, function and policies established in the Cache Countywide Comprehensive Plan;
3. Compatibility of the proposed use with the character of the site, adjacent properties and other existing and proposed development;
4. The availability of, or ability to provide adequate services, drainage, parking and loading space, fire protection, and safe transportation access and vehicular circulation;
5. Such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity;
6. If the planning commission determines that the standards of this section cannot be met and that adequate mitigation measures cannot be imposed to bring the use into conformity with the standards and criteria, the Planning Commission may deny the request for a conditional use permit.

- D. In approving a conditional use permit, the Planning Commission may impose such reasonable conditions as deemed necessary for the protection of adjacent properties and the public interest. The Planning Commission may require guarantees or other evidence that such conditions will be met and complied with.
- E. If there is cause to believe that grounds exist for revocation or modification of an approved conditional use permit, the Planning Commission shall schedule the item for consideration at a regular meeting. A minimum notice of thirty (30) days prior to the meeting shall be provided to the property owner at the location of the approved conditional use permit.
  - 1. A conditional use permit may be modified or revoked by the Planning Commission if the Planning Commission finds that one or more of the following conditions exist:
    - a. The conditional use permit was obtained in a fraudulent manner.
    - b. The use for which the conditional use permit was granted has ceased for a minimum of twelve (12) consecutive calendar months.
    - c. The nature of the use for which the conditional use permit was granted has changed or the intensity of use has increased beyond that originally approved.
    - d. The use constitutes a nuisance as defined by County Code.
    - e. One or more of the conditions of the conditional use permit have not been met.
- F. All conditional use permits authorized and approved as required by this title are determined to run with the land.

**17.06.060: Nonconforming Use**

- A. A nonconforming use may continue provided that it:
  - 1. Is determined to legally exist prior to the effective date of the applicable ordinance, or legally established by the action of a federal, state, or local government entity, and;
  - 2. Has been continuously maintained.
- B. Alteration of a Nonconforming Use:
  - 1. A nonconforming use shall not be enlarged upon, expanded, or intensified.
  - 2. A nonconforming use may be maintained, however, for any work that requires a building permit, a zoning clearance shall be issued that identifies the following: The nonconformity, the legally nonconforming status, and that the use is not being enlarged, expanded, or intensified.

*Portions of 17.06.060 regarding structures moved to 17.10.020 [H] and amended  
Entirety of 17.06.060 [C] amended and move to 17.10.020 [F] and [G]*



<u>17.06.010 Uses Identified</u> .....	<u>1</u>	
<u>17.06.020 Application Required</u> .....	<u>1</u>	
<u>17.06.010030</u> .....	<u>Burden of Proof</u>	<u>1</u>
<u>17.06.020 Prohibited Uses</u> .....		
<u>17.06.030040</u> .....	<u>Permitted Uses</u>	<u>1</u>
<u>17.06.040050</u> .....	<u>Application Required</u>	<u>12</u>
<u>17.06.050 Standards and Criteria for Permitted Use</u> .....	<u>Conditional Uses</u>	
<u>17.06.060 Nonconforming Uses</u> .....	<u>Permitted Uses</u>	<u>23</u>
<u>17.06.070 Standards and Criteria for Conditional Use</u> .....		<u>2</u>
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<u>17.06.130 Nonconforming Uses, Lots, and Structures</u> .....		<u>5</u>

**17.06.010: Uses Identified**

A. All uses allowed by this title shall be identified as:

- 1. Permitted use.
- 2. Conditional use.
- 3. Nonconforming use.

B. Prohibited Use: Any use which is not identified by this title as either a permitted, conditional, or nonconforming use is hereby determined to be a prohibited use. A prohibited use shall not be allowed or authorized within the unincorporated area of the county.

**17.06.020: Application Required**

A. All requests for a permitted or conditional use shall be made on an application form provided by the Development Services Department.

B. No use approved as a permitted or conditional use may be modified, enlarged or expanded, without obtaining an approved modification to the permit. The application for modification shall be processed as a new permit application under this ordinance. The issuance of a permit may require that the existing development site be brought into substantial conformance with the terms of the Cache County Code in effect on the date the use permit is approved, including but not limited to: landscaping, screening, parking, and storm water retention.

**17.06.030: Burden of Proof**

A. The applicant has the burden of proving that the application meets the ordinance requirements for any permitted or conditional use.

**17.06.010: Uses Identified**

All uses allowed by this title shall be identified as:

- A. Permitted use.
- B. Conditional use.
- C. Temporary use.



- ~~D. Nonconforming use.~~
- ~~E. Small business use.~~

#### **17.06.020: Prohibited Uses**

~~Any use which is not identified by this title as either a permitted use, a conditional use, a small business use or a temporary use is hereby determined to be a prohibited use. A prohibited use shall not be allowed or authorized within the unincorporated area of the county.~~

#### **17.06.030: Application Required**

~~All requests for a permitted use or a conditional use, a small business use or a temporary use shall be made on an application form provided by the zoning administrator.~~

#### **17.06.040: Permitted Uses**

~~A. The zoning administrator is authorized to issue all required zoning clearances for a permitted use. As required by the county building codes, all requests for a permitted use shall also provide an application for a building permit and/or application for a business license, as applicable. The Director is authorized to impose reasonable conditions in compliance with this section. No PA permitted use shall not become effective until:~~

- ~~1. a PA zoning clearance is received from issued, zoning administrator and as required;~~
- ~~2. a PA building permit is issued, -and/or;~~
- ~~3. A business license, as required, is issued. \_\_\_\_\_ The zoning administrator is also authorized to impose such other reasonable conditions as provided in section 17.06.050 of this chapter.~~

#### **17.06.050: Standards and Criteria for Permitted Use**

~~B. All applications for a permitted use are required to comply with the requirements of this title, the requirements of the county building codes, and the county business license codes (title 5 of this code) as adopted and as applicable. A PA Permitted use applications shall be reviewed in accordance with the following general standards and criteria:~~

- ~~A1. The Director zoning administrator shall review the permitted use request and determine if the request meets the following requirements:~~
  - ~~1a. The use is identified as a permitted use within the zoning district as identified in chapter 17.09, "Schedule of Zoning Uses", of this title.~~
  - ~~2b. The use complies with the requirements for the zoning district as defined and specified by this title. with respect to minimum area, setback requirements, height, buffer and landscape standards, maximum coverage, parking, unloading, and all other requirements applicable to the district.~~
  - ~~3. The use does not have an adverse effect on any sensitive areas, as defined by this title.~~
  - ~~4c. The use complies with the Cache County roadway standards and/or requirements of the Utah Department of Transportation (UDOT). all road dedication requirements of the county and provides necessary infrastructure as required and recommended by the County Road Department and/or Utah Department of Transportation.~~
  - ~~5d. The use meets all applicable requirements of the state Bear River Health Department and Utah Department of Environmental Quality as required and applicable.~~
- ~~B2. Upon finding that the proposed use, building, or structure complies with the standards and requirements of this title, the zoning administrator Director shall issue a zoning clearance.~~

3. ~~With the receipt of a zoning clearance, t~~The proposed building or structure shall then be reviewed for compliance with the current, adopted county building codes, ~~as adopted~~.
4. If the request for a permitted use complies with the requirements of this title, the adopted county building codes, ~~as adopted~~, and the applicable requirements of the Bear River Health Department or the Utah Department of Environmental Quality, ~~as applicable~~, the permitted use shall be authorized.

**17.06.06050: Conditional Uses**

A. ~~A conditional use allows the consideration of special uses that may be essential or desirable to a particular community, but are not allowed as a matter of right. These uses require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. The purpose of the conditional use permit application process is to evaluate possible adverse impacts and to minimize them, where possible, through the imposition of specific conditions of approval. If adverse impacts cannot be appropriately resolved, the use is not appropriate in that location or configuration.~~

~~The purpose of the issuance of a conditional use permit is to allow the proper integration into the county of those uses which may be suitable in specific locations or if such uses are designed, arranged or conducted on the site in a particular manner.~~

B. Conditional use permits may be approved by the Planning Commission as provided by this title for any of the uses for which a conditional use permit is required as identified in Chapter 17.09, "Schedule of Zoning Uses", of this title. The Planning Commission is also authorized to impose such other reasonable conditions as provided in this section ~~17.06.070 of this chapter~~.

**17.06.070: Standards and Criteria for Conditional Use**

AC. The Planning Commission shall review a conditional use request with the following general standards and criteria:

***To be revised – see list of proposed criteria in this packet***

1. The use applied for at the location proposed is necessary or desirable to provide a service or facility that will contribute to the general well being of the area and the county;
2. Compatibility of the proposed use with the intent, function and policies established in the Cache Countywide Comprehensive Plan;
3. Compatibility of the proposed use with the character of the site, adjacent properties and other existing and proposed development;
4. The availability of, or ability to provide adequate services, drainage, parking and loading space, fire protection, and safe transportation access and vehicular circulation;
5. Such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity;
6. If the planning commission determines that the standards of this section cannot be met and that adequate mitigation measures cannot be imposed to bring the use into conformity with the standards and criteria, the ~~planning Planning eommission-Commission~~ may deny the request for a conditional use permit.

BD. In approving a conditional use permit, the ~~planning Planning eommission-Commission~~ may impose such reasonable conditions ~~with respect to location, construction, maintenance,~~

~~operation, site planning, traffic control, flood control, time limits, and other items for the conditional use permit~~ as deemed necessary for the protection of adjacent properties and the public interest. The ~~p~~Planning ~~C~~ommission may require guarantees or other evidence that such conditions will be met and complied with.

#### **17.06.080: Revocation or Modification of a Conditional Use Permit**

~~A~~E. If there is cause to believe that grounds exist for revocation or modification of an approved conditional use permit, the ~~planning~~ Planning ~~commission~~ Commission shall schedule the item for consideration at a regular meeting. A minimum notice of ~~fourteen-thirty~~ (1430) days prior to the meeting shall be provided to the property owner at the location of the approved conditional use permit.

~~B~~1. A conditional use permit may be modified or revoked by the Planning Commission if the Planning Commission finds that one or more of the following conditions exist:

- ~~1~~a. The conditional use permit was obtained in a fraudulent manner.
- ~~2~~b. The use for which the conditional use permit was granted has ~~now~~ ceased for a minimum of twelv~~et least eighteen~~ (1812) consecutive calendar months.
- ~~3~~c. The nature of the use for which the conditional use permit was granted has changed or the intensity of use has increased beyond that originally approved.
- ~~4~~d. The use constitutes a nuisance as defined by County Code.
- ~~5~~e. One or more of the conditions of the conditional use permit have not been met.

#### **17.06.090: Conditional Use Permit to Run with the Land**

~~F~~E. All conditional use permits authorized and approved as required by this title are determined to run with the land.

#### **17.06.100: Temporary Uses**

~~A~~. The purpose of the issuance of a temporary use is to allow the establishment of a use on a temporary basis which will not create an undue risk to the public health, welfare and safety, and which will not create a nuisance. Such uses may include, but are not limited to, construction offices, or the storage of materials and equipment necessary for construction, and seasonal activities such as a corn maze, pumpkin patch/stand, fireworks stand, and Christmas tree lot.

~~B~~. A temporary use shall be approved by the zoning administrator, as provided by this title, for any of the uses for which a temporary use is identified in chapter 17.09, "Schedule of Zoning Uses", of this title. A temporary use shall only be authorized by the zoning administrator for a period of up to six (6) months. As required by the county building codes, all requests for a temporary use shall also provide application for a building permit and/or application for a business license, as required by the county. No temporary use shall become effective until approval is received from the zoning administrator and a building permit and/or business license, if required, is issued by the county building official and/or county clerk. The zoning administrator is also authorized to impose such other reasonable conditions as provided in section 17.06.110 of this chapter.

#### **17.06.110: Standards and Criteria for Temporary Uses**

~~In approving a temporary use, the zoning administrator may impose such reasonable conditions with respect to location, construction, maintenance, operation, site planning, traffic control, time limits, and other items for the temporary use as deemed necessary for the protection of adjacent properties and the public interest. The zoning administrator may require guarantees or other evidence that such conditions will be met and complied with.~~

~~A. The zoning administrator shall review a temporary use request with the following general standards and criteria:~~

- ~~1. The property on which the use, building or other structure is proposed is of adequate size and dimensions to permit the conduct of the use in such a manner that it will not be materially detrimental to adjoining and surrounding properties.~~
- ~~2. The use will cease within a maximum of six (6) months from the date of issuance of the temporary use permit.~~
- ~~3. The use will comply with all requirements of the Bear River health department, sheriff's department, county building codes, county business ordinance, and all other requirements as applicable.~~

~~B. In approving a temporary use, the zoning administrator may impose such reasonable conditions or restrictions as deemed necessary to secure the purposes of this title. These conditions may include:~~

- ~~1. That the site will be suitably maintained and that the design, setbacks, fences, walls and buffers of all buildings and other structures are adequate to protect, preserve and/or enhance the appearance and character of the area.~~
- ~~2. The provision of parking facilities, including vehicular ingress and egress, loading and unloading areas, and the surfacing of parking areas and driveways to specified standards.~~
- ~~3. The provision of an adequate water supply, sewage disposal, flood control and fire protection.~~
- ~~4. The mitigation of nuisance factors such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances and radiation.~~
- ~~5. Does not have an adverse effect on any sensitive areas, as defined by this title.~~
- ~~6. The regulation of operating hours for activities affecting normal schedules and functions.~~
- ~~7. The regulation of signs as per chapter 17.23, "Sign Standards", of this title.~~
- ~~8. The provision of a reasonable guarantee, bond or other surety, as determined by the zoning administrator, that the proposed temporary use will be maintained and operated in compliance with all conditions and requirements.~~
- ~~9. Such other reasonable conditions determined necessary by the zoning administrator to allow the establishment and operation of the proposed temporary use in an orderly and efficient manner.~~

#### **17.06.120: Appeal of Permitted Use, Conditional Use, or Temporary Use Decision<sup>†</sup>**

(Rep. by Ord. 2008-07, 9-23-2008)

<sup>†</sup>See section 17.02.070 of this title.

#### **17.06.13060: Nonconforming Use, Lot, or Structure**

A. A nonconforming use, lot, or structure may continue provided that it:

1. -Is determined to legally exist prior to the effective date of the applicable ordinance, or legally established by the action of a federal, state, or local government entity-, and;

~~2. Has been continuously maintained on or before the effective date hereof or at the time of an amendment, or by some action by a federal, state, or local government entity may continue provided that the use, lot, or structure has been maintained continuously.~~

~~AB. Alteration of a Nonconforming Use, Lot, or Structure:~~

~~1. A nonconforming use, lot, or structure shall not be enlarged upon, expanded, or intensified.~~

~~2. A nonconforming use, lot, or structure may apply to the board of adjustment to be enlarged or modified by meeting the following criteria:~~

~~— a. The change is in harmony with the surrounding neighborhood and in keeping with the intent of the comprehensive plan and this title.~~

~~— b. The proposed change shall not impose any unreasonable impact or burden upon land located in the vicinity.~~

~~3.2. c. Reasonable conditions may be attached to the approval in order to assure compatibility with the surrounding properties.~~ A nonconforming use or structure may be maintained,

~~however, and repaired. On for~~ any work ~~being completed~~ that requires a building permit, a zoning clearance shall be issued that identifies the following: ~~the~~ The nonconformity;~~;~~ ~~itsthe~~ legally nonconforming status;~~;~~ and that the use, ~~lot, or structure~~ is not being enlarged, expanded, or intensified.

~~3. Any reconstruction or restoration of a nonconforming structure shall comply with both this title and with Utah State Code Section 17-27a-510(3).~~

~~B. Abandonment: The determination of an abandonment of a nonconforming use, lot, or structure shall comply with Utah State Code Section 17-27a-510(4).~~

~~C. Nonconforming Lot:~~

~~1. Parcels not meeting the minimum density or lot size requirements for a zone:~~

~~a. Legal lots not meeting the minimum lot size or density requirements shall be entitled to be developed as a lot, but not to be further subdivided.~~

~~b. Restricted lots not meeting the minimum lot size or density requirements may apply to the Board of Adjustments for a variance as provided in subsection A of this section. If the Board of Adjustments approves the variance, the lot owner may then apply for a subdivision to the Planning Commission and County Council.~~

~~2. Illegal A rlot meeting the minimum lot size and/or density requirements of a zone may apply to the Planning Commission and County Council for a subdivision of that lot from the original 1970 parcel. If the parcel is large enough to support multiple lots that meet the lot size and/or density limits, a subdivision from the 1970 parcel will be required in conjunction with the subdivision of the parcel in question.~~

*Portions of 17.06.060 regarding structures moved to 17.10.020 [H] and amended  
Entirety of 17.06.060 [C] amended and move to 17.10.020 [F] and [G]*



**Criteria considerations:**

1. Health, Safety, and Welfare
2. Compliance with Law
3. Compliance with Intent of General Plan and Zone
4. Adequate Service Provision
5. Impacts and Mitigation
6. Compatible with Character of Vicinity

**Proposed Criteria:**

1. Health, Safety, and Welfare:  
The proposed conditional use is not detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A conditional use shall be considered detrimental if:
  - a. It causes unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar risks, and/or;
  - b. It unreasonably interferes with the lawful use of surrounding property.
2. Compliance with Law:  
The proposed conditional use complies with the regulations and conditions specified in this title and other applicable agency standards for such use.
3. Compliance with Intent of General Plan, Ordinance, and Zone:  
The proposed conditional use is consistent with the intent, function, and policies of the applicable zone and the current general plan.
4. Adequate Service Provision:  
The proposed conditional use does not result in a situation that creates a need for essential services that cannot be reasonably met by local service providers, including but not limited to: Roads and access for emergency vehicles and residents, fire protection, law enforcement protection, schools and school busing, potable water, septic/sewer, storm water drainage, and garbage removal.
5. Impacts and Mitigation:  
Reasonably anticipated detrimental effects of the proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts include but are not limited to odor, vibration, light, dust, smoke, and/or noise.
6. Compatible with the Character of the Vicinity:  
The proposed conditional use is compatible with the character and uses in the immediate vicinity while preserving and/or enhancing the character of the same.



## Amendments to Definitions

### **Existing definition of NUISANCE from County Code**

**NUISANCE:** Any use or activity which emits noise, smoke, dust, odor, or vibration in amounts sufficient to substantially depreciate values of surrounding buildings or lands, or a use or activity which substantially deprives the owners of adjoining property of a property right.

### **State Code**

17-41-403. Nuisances.

(1) Each political subdivision shall ensure that any of its laws or ordinances that define or prohibit a public nuisance exclude from the definition or prohibition:

(a) for an agriculture protection area, any agricultural activity or operation within an agriculture protection area conducted using sound agricultural practices unless that activity or operation bears a direct relationship to public health or safety; or

(b) for an industrial protection area, any industrial use of the land within the industrial protection area that is consistent with sound practices applicable to the industrial use, unless that use bears a direct relationship to public health or safety.

(2) In a civil action for nuisance or a criminal action for public nuisance under Section [76-10-803](#), it is a complete defense if the action involves agricultural activities and those agricultural activities were:

(a) conducted within an agriculture protection area; and

(b) not in violation of any federal, state, or local law or regulation relating to the alleged nuisance or were conducted according to sound agricultural practices.

(3) (a) A vested mining use undertaken in conformity with applicable federal and state law and regulations is presumed to be operating within sound mining practices.

(b) A vested mining use that is consistent with sound mining practices:

(i) is presumed to be reasonable; and

(ii) may not constitute a private or public nuisance under Section [76-10-803](#).

(c) A vested mining use in operation for more than three years may not be considered to have become a private or public nuisance because of a subsequent change in the condition of land within the vicinity of the vested mining use.

(4) (a) For any new subdivision development located in whole or in part within 300 feet of the boundary of an agriculture protection area, the owner of the development shall provide notice on any plat filed with the county recorder the following notice:

"Agriculture Protection Area

This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."

(b) For any new subdivision development located in whole or in part within 1,000 feet of the boundary of an industrial protection area, the owner of the development shall provide notice on any plat filed with the county recorder the following notice:

"Industrial Protection Area

This property is located in the vicinity of an established industrial protection area in which normal industrial uses and activities have been afforded the highest priority use status. It can

## Amendments to Definitions

be anticipated that such industrial uses and activities may now or in the future be conducted on property included in the industrial protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal industrial uses and activities."

(c) For any new subdivision development located in whole or in part within 1,000 feet of the boundary of a mining protection area, the owner of the development shall provide notice on any plat filed with the county recorder the following notice:

"This property is located within the vicinity of an established mining protection area in which normal mining uses and activities have been afforded the highest priority use status. It can be anticipated that the mining uses and activities may now or in the future be conducted on property included in the mining protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience that may result from the normal mining uses and activities."

Amended by Chapter 376, 2009 General Session

### **Remove definition for:**

USE, PROHIBITED: Any use, whether accessory or primary, not identified as either a permitted use, conditional use or temporary use, as provided by this title.

17.10.010 Purpose.....1  
17.10.020 General Requirements.....1  
17.10.030 Development Density and Standards Specific to Base Zoning Districts.....2  
17.10.040 Site Development Standards .....3  
17.10.050 Supplemental Standards .....5  
17.10.060 Improvement Agreements.....6

**17.10.010: Purpose**

The regulations hereinafter set forth in this chapter supplement and/or qualify the zone regulations appearing elsewhere in this title.

**17.10.020: General Requirements**

- A. Every Single Family Dwelling to be on a Legal Lot:
  - 1. Every single family dwelling shall be located and maintained on an approved lot, as defined in this title.
- B. Establishment of Legal Lots:
  - 1. Outside of a defined subdivision, a parcel may be determined to be a legal developable lot as per the conditions outlined in the “Development Services Policy for the Determination of Parcel Legality” dated August 29<sup>th</sup>, 2013.
  - 2. The Cache County Director of Development Services shall make all final determinations of parcel legality.
- C. Combined Lots or Parcels:
  - 1. If combined lots/parcels have two (2) or more different zoning designations, the uses and regulations of the most restrictive zone will apply.
- D. Sale or Lease of Required Space:
  - 1. Space needed to meet the width, setback, area, coverage, parking or other requirements of this title for a lot/parcel or building shall not be sold or leased away from such lot/parcel or building.
- E. Sale of Lots/Parcels Below Minimum Space Requirements:
  - 1. A parcel of land which has less than the minimum width and area required for the zone in which it is located shall not be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development.
- F. Restricted Lots:
  - 1. No permits or licenses will be issued for a use on any restricted lot.
  - 2. A restricted lot which meets all the requirements of this title for a lot, but the creation of which has caused any adjacent lot from which it was severed to be insufficient in frontage, yard or other requirements, may be considered legal by adding sufficient area to the adjacent lot to meet all of the requirements of this title for a lot in its zone. The added area must be duly platted and evidenced in the public records by a deed showing a single legal description in the office of the county recorder.
  - 3. A restricted lot meeting the minimum lot size and/or density requirements of a zone may apply for subdivision.

### **G. Nonconforming Lot/Parcel**

1. Legal lots not meeting the minimum lot size or density requirements of the applicable zone shall be entitled to be developed as a lot, but shall not be entitled to further subdivision in that nonconforming configuration.

### **H. Nonconforming Structure**

1. Existence: A nonconforming structure may continue provided that it:
  - a. Is determined to legally exist prior to the effective date of the applicable ordinance, or legally established by the action of a federal, state, or local government entity, and;
  - b. Has been continuously maintained.
2. Alteration: A nonconforming structure may be altered, maintained, and/or repaired as follows:
  - a. Minor: Minor changes that do not increase the nonconformity are permitted provided that:
    - i. Necessary permits are obtained, and on any work being completed that requires a building permit a zoning clearance shall be issued that identifies the following:
      - 1) The legally nonconforming status, and;
      - 2) The nonconformity, and;
      - 3) That the nonconformity of the structure is not being increased.
    - ii. Any reconstruction or restoration of a nonconforming structure shall comply with state and county code.
  - b. Major: Requests for major changes that increase a nonconformity may be made to the Cache County Board of Adjustments and must meet state code requirements for a variance.
3. Abandonment: A nonconforming structure may be determined to be abandoned in compliance with state and county code.

### **17.10.030: Development Density and Standards Specific to Base Zoning Districts**

- A. Agricultural (A10); the following site development densities shall be complied with in the agricultural zoning district (A10):
  1. 1970 parcel development option: 1970 parcels may divide the first three (3) lots at a density of one lot per two (2) acres. All development beyond the first three (3) lots on a 1970 parcel shall conform to the density of one lot per ten (10) acres.
    - a. 1970 parcels shall not be permitted to be adjusted through the means of boundary line adjustments to promote additional development potential under this option. Boundary line adjustments may be completed to deal with subdivision design issues, but shall not be permitted to obtain additional lots.
    - b. 1970 parcels that no longer exist or that have been substantially modified shall not be permitted to be re-created for the purpose of further subdivision under this development option.
- B. Forest Recreation (FR40) Zone; the following site development standards shall be complied with in the forest recreation zoning district (FR40):
  1. Year Round Occupancy Restriction: Year round residences are prohibited. The maximum occupancy period of any dwelling shall be limited to one hundred eighty (180) days per calendar year.
- C. Commercial (C) and Industrial (I) Zones: the following site development standards shall be complied with in the Commercial (C) and Industrial (I) Zoning Districts:



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**17.10.010: Purpose**

The regulations hereinafter set forth in this chapter supplement and/or qualify the zone regulations appearing elsewhere in this title.

**17.10.020: General Requirements**

- A. Every Single Family Dwelling to be on a Legal Lot:
  - 1. Every single family dwelling shall be located and maintained on an approved lot, as defined in this title.
- B. Establishment of Legal Lots:
  - 1. Outside of a defined subdivision, a parcel may be determined to be a legal developable lot as per the conditions outlined in the “Development Services Policy for the Determination of Parcel Legality” dated August 29<sup>th</sup>, 2013.
  - 2. The Cache County Director of Development Services shall make all final determinations of parcel legality.
- C. Combined Lots or Parcels:
  - 1. If combined lots/parcels have two (2) or more different zoning designations, the uses and regulations of the most restrictive zone will apply.
- D. Sale or Lease of Required Space:
  - 1. Space needed to meet the width, setback, area, coverage, parking or other requirements of this title for a lot/parcel or building shall not be sold or leased away from such lot/parcel or building.
- E. Sale of Lots/Parcels Below Minimum Space Requirements:
  - 1. A parcel of land which has less than the minimum width and area required for the zone in which it is located shall not be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development.
- F. Restricted Lots:
  - 1. No permits or licenses will be issued for a use on any restricted lot.
  - 2. A restricted lot which meets all the requirements of this title for a lot, but the creation of which has caused any adjacent lot from which it was severed to be insufficient in frontage, yard or other requirements, may be considered legal by adding sufficient area to the adjacent lot to meet all of the requirements of this title for a lot in its zone. The added area must be duly platted and evidenced in the public records by a deed showing a single legal description in the office of the county recorder.
  - 3. A restricted lot meeting the minimum lot size and/or density requirements of a zone may apply for subdivision.

### **G. Nonconforming Lot/Parcel**

- 1. Legal lots not meeting the minimum lot size or density requirements of the applicable zone shall be entitled to be developed as a lot, but shall not be entitled to further subdivision in that nonconforming configuration.**

### **H. Nonconforming Structure**

- 1. Existence: A nonconforming structure may continue provided that it:**
  - a. Is determined to legally exist prior to the effective date of the applicable ordinance, or legally established by the action of a federal, state, or local government entity, and;**
  - b. Has been continuously maintained.**
- 2. Alteration: A nonconforming structure may be altered, maintained, and/or repaired as follows:**
  - a. Minor: Minor changes that do not increase the nonconformity are permitted provided that:**
    - i. Necessary permits are obtained, and on any work being completed that requires a building permit a zoning clearance shall be issued that identifies the following:**
      - 1) The legally nonconforming status, and;**
      - 2) The nonconformity, and;**
      - 3) That the nonconformity of the structure is not being increased.**
    - ii. Any reconstruction or restoration of a nonconforming structure shall comply with state and county code.**
  - b. Major: Requests for major changes that increase a nonconformity may be made to the Cache County Board of Adjustments and must meet state code requirements for a variance.**
- 3. Abandonment: A nonconforming structure may be determined to be abandoned in compliance with state and county code.**

### **17.10.030: Development Density and Standards Specific to Base Zoning Districts**

- A. Agricultural (A10); the following site development densities shall be complied with in the agricultural zoning district (A10):**
  - 1. 1970 parcel development option: 1970 parcels may divide the first three (3) lots at a density of one lot per two (2) acres. All development beyond the first three (3) lots on a 1970 parcel shall conform to the density of one lot per ten (10) acres.**
    - a. 1970 parcels shall not be permitted to be adjusted through the means of boundary line adjustments to promote additional development potential under this option. Boundary line adjustments may be completed to deal with subdivision design issues, but shall not be permitted to obtain additional lots.**
    - b. 1970 parcels that no longer exist or that have been substantially modified shall not be permitted to be re-created for the purpose of further subdivision under this development option.**
- B. Forest Recreation (FR40) Zone; the following site development standards shall be complied with in the forest recreation zoning district (FR40):**
  - 1. Year Round Occupancy Restriction: Year round residences are prohibited. The maximum occupancy period of any dwelling shall be limited to one hundred eighty (180) days per calendar year.**
- C. Commercial (C) and Industrial (I) Zones: the following site development standards shall be complied with in the Commercial (C) and Industrial (I) Zoning Districts:**

**Change throughout**

Clean up language and reference directing code sections

Rewrite for clarity

**17.13.050 – Operation Categories**

Reassess and rewrite categories

Existing:

All mineral extraction and excavation operations shall be classified as one of the following two (2) categories:

- A. Commercial operations are those that supply materials to the public on a continual, long term basis. All commercial mineral extraction and excavation operations shall file an operations and progress report with the Planning Commission every three (3) years. The report will summarize activities in fulfillment of the requirements for excavation and rehabilitation in compliance with the rehabilitation plan previously submitted to the Planning Commission. The conditional use permit shall remain in effect until such time that full reclamation has been made on the site.
- B. Temporary mineral extraction and excavation operations and associated uses, which may include, but not limited to, asphalt or concrete plants which are necessary to supply material for a specific project (i.e., road construction), or a minor extraction operation of less than five (5) acres. These operations shall be allowed within any zone of the county as a conditional use. These operations will have to operate under the same standards as a commercial operation; the termination of the specific project shall also terminate the conditional use permit and the use of the pit. Once the project is complete, the owner or operator shall begin closure and reclamation operations within six (6) months.

**17.07 Definitions- address definition 7420 Site Grading**

7420 SITE GRADING: The act of excavation or filling or combination thereof or any leveling to a smooth horizontal or sloping surface on a property in preparation for the construction of a building, but not including normal cultivation associated with an agricultural operation. Excavation shall be less than 1,500 cubic yards per parcel. Additional excavation may only be permitted with a variance.

**17.13. 060, 070, 080, and 090 –Assess the base line for application and operation requirements –**

Rewrite sections to reflect more flexibility on the part of the Planning Commission.